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Dominions

No. 87.

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CONFIDENTIAL.

INTERNATIONAL ARRANGEMENTS AND TREATY RELATIONS.

POSITION OF THE SELF-GOVERNING DOMINIONS.

CORRESPONDENCE,
1922.

*(In continuation of Dominions Nos. 75, 76, 78, 80 and 81, continued by
Dominions No. 88.)*

November, 1923.

INDEX.

INTERNATIONAL ARRANGEMENTS & TREATY RELATIONS.

Position of the Self-Governing Dominions.

	PAGE.
Aaland Islands Neutrality Convention	1
(Treaty Series 1922, No. 6).	
Aerial Navigation Convention	
(Treaty Series 1922, Nos. 2 and 11).	
(1) Ratification of Convention	2
(2) International Air Commission: Representation of Dominions and Voting Power	7
(3) Article 5: Application of and proposed Amendment of	14
(4) Article 5: Application of Belgium for Derogation	19
(5) Article 25	19
Antarctic.	
Future Control	20
Arbitration Agreements.	
(1) Denmark. (Treaty Series 1922, No. 12.)	22
(2) Iceland. (Treaty Series 1922, No. 13.)	22
Argentina.	
Commercial Treaty of 1825	
(See under Australia).	
Arms Traffic Convention	23
(Treaty Series 1919, No. 12).	
Australia.	
Commercial Treaties affecting. Enquiry from Danish Government	26
Belgium.	
Proposed Anglo-Belgium Defence Pact	28
(See also under Aerial Navigation Convention).	
Bolivia.	
Convention for the Prevention of False Indications of Origin on Goods. (Treaty Series 1921, No. 9)	29
(See also under Peace Commission Treaties).	
Brazil	
(See under Extradition Treaties and Peace Commission Treaties).	
British Subjects resident in non-adhering Dominions, Position of—in relation to Treaty Rights	
(See under Latvia).	
Bulgaria	
(See under Extradition Treaties).	
Chile	
(See under Peace Commission Treaties).	
Colonial Article, Form of	
(See under Latvia and Mandates).	
Commercial Treaties.	
(1) Australia, Position of	
(See under Australia).	
(2) British Subjects, Position of	
(See under Latvia).	
(3) Colonial Article, Form of	
(See under Latvia and Mandates).	
(4) Companies, Position of	
(See under Honduras).	
(5) Depreciated Currency Duties, Imposition of	
(See under Czecho-Slovakia and Italy).	
(6) Mandated Territories, Position of	
(See under Mandates).	
(7) Most-favoured-nation Clause	
(See under Poland).	

Companies.

Position of, under Commercial Treaties
(See under Honduras).

Czecho-Slovakia.

Proposed Commercial Treaty. Imposition of Duties under Safeguarding of Industries Act. 30
(See also under Extradition Treaties).

Denmark.

Enquiry as to position of Australia under Commercial Treaties
(See under Australia).

Egypt.

Future Status [Cmd. 1592]. 34

Esthonia

(See under Extradition Treaties).

Extradition Treaties.

Brazil	35
Bulgaria	35
Czecho-Slovakia	35
Esthonia	35
Finland	35
Poland	35
Serb-Croat-Slovene State	35

Finland.

(1) Proposed Commercial Agreement	41
(2) Proposed Tonnage Measurement Agreement	41
(3) Proposed Extradition Treaty	
(See under Extradition Treaties).	

France.

(1) Anglo-French Relations and proposed Anglo-French Defence Pact	44
(2) Commercial Convention of 1882	48
(3) Commercial Relations with Canada (Treaty Series 1921, No. 16)	51
(4) Convention relating to Legal Proceedings in Civil and Commercial Matters (Treaty Series 1922, No. 5)	54

Freedom of Transit and International Waterways Conventions, 1921

(League of Nations Treaty Series, Vol. VII., Nos. 171-174).	
(1) Ratification of Conventions	56
(2) Ratification of Declaration as to Flags for Inland States	61

Genoa Conference, 1922

[Cmd. 1667]. 65

Germany.

Treaty of 1899 relating to Samoa
(See under Mandates: Western Samoa).
(See also under League of Nations and Property Rights and Interests).

Greece.

Commercial Relations with Dominions 71
(See also under Turkey).

Hague Conference, 1922.

[Cmd. 1724]. 72

Honduras.

Commercial Treaty, 1910. (Treaty Series 1915, No. 7). 75
Position of British Companies 75

Immigration.

Restrictions on
(See under Siam).

International Labour Conference, 1919.

Draft Conventions adopted by the Conference 78

International Refrigeration Convention, 1920

(Treaty Series 1923, No. 6). 80

International Sanitary Convention, 1912

(Treaty Series 1921, No. 2). 82

International Veterinary Bureau.

Proposed International Convention 83

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TABLE OF CONTENTS.

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
AALAND ISLANDS NEUTRALITY CONVENTION.	
1922	
1 The Governor-General Commonwealth of Australia, Telegram ... January 6 (Rec. Jan. 6)	States that his Government agrees to ratification of the Convention ... 1
2 To the Governor-General Canada, Telegram ... January 7	Urges reply to despatch inquiring whether Ministers agree to ratification of Convention ... 1
3 The Governor-General Canada, Telegram ... January 13 (Rec. Jan. 13)	States that his Government has no objection to ratifi- cation of the Convention ... 1

AERIAL NAVIGATION CONVENTION, 1919.

(1) Ratification of Convention.

1922	
4 The Governor-General New Zealand, Telegram January 7 (Rec. Jan. 7)	States that Ministers agree to signature of declaration in amended form ... 2
5 The Governor-General Commonwealth of Australia, Telegram ... January 12 (Rec. Jan. 12)	States that his Government has no objection to text of declaration as redrafted for submission to Govern- ment of France ... 2
6 The Governor-General Union of South Africa, Telegram ... January 18 (Rec. Jan. 19)	States that Ministers see no objection to clause as drawn up by Air Council ... 2
7 To the Governor-General Canada, Telegram ... January 21	States that the Governments of the Commonwealth of Australia, New Zealand, and the Union of South Africa have agreed to the terms of the proposed declaration ... 2
8 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Dominions Treaty 15 ... May 9	Transmits copy of despatch to His Majesty's Ambassa- dor at Paris conveying for submission to the French Government a revised declaration respecting Article 5 of the Convention ... 3
9 To the Governor Newfoundland, 84 ... June 16	Quotes text of revised declaration respecting Article 5 of the Convention agreed to by the French Govern- ment, and notifies the deposit of His Majesty's ratification of the Convention and Protocol ... 4
10 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Dominions Treaty, 25 ... June 16	Transmits copies of correspondence with His Majesty's Ambassador at Paris relative to the deposit of His Majesty's ratification of the Convention and Protocol 4

(2) International Air Commission. Representation of Dominions and Voting Power.

1922	
11 Air Ministry March 27	Points out that at the outset of the International Air Navigation Commission the British Empire will probably have two votes, and that the number is unlikely to increase beyond four or five; submits suggestions for determining how the votes are to be exercised ... 7
12 To Air Ministry May 2	Considers, in reply to No. 11, that the only satisfactory course would be to regard the Empire representatives as constituting a British Empire Delegation, and to endeavour to secure by discussion unanimity as to the disposal of the votes in question ... 8
13 Air Ministry June 2	Requests that the Governments of Canada, Australia, and New Zealand be cabled for the names of their respective representatives on the Commission ... 8
14 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Telegram ... June 5	Inquires as to representation of the different Govern- ments on the Commission ... 9
15 To Air Ministry June 8	Transmits copy of No. 14 and suggests that Newfound- land should be represented on the Commission ... 9
16 The Governor-General New Zealand, Telegram June 17 (Rec. June 17)	States that his Government would be glad if the representative of Great Britain could also represent New Zealand on the Commission, consulting the High Commissioner wherever the interests of New Zealand are involved ... 10
17 The Governor-General Canada, Telegram ... June 21 (Rec. June 22)	Desires that Squadron-Leader R. Leckie, of the R.A.F., should represent Canada on the Commission in consultation with the High Commissioner for Canada ... 10
18 Foreign Office June 26	Considers it doubtful whether the signatories of the Air Convention intended to include Newfoundland in the British Dominions entitled to separate represen- tation on the Commission, and failing this intention there appears to be no provision for separate with- drawal of Newfoundland; inquires if separate repre- sentation is regarded as essential ... 11
19 To the Governor-General New Zealand, 119 ... June 30	States that arrangements will be made for the British representative also to represent New Zealand ... 11
20 The Governor-General Commonwealth of Australia, Telegram ... July 3 (Rec. July 3)	States that his Government desires representative of Great Britain to act for Australia in similar manner as for South Africa ... 12
21 To the Governor-General Canada, Telegram ... July 5	In view of circumstances indicated asks that question of Canada's representation may be reconsidered, and states that pending alternative nomination the representative of His Majesty's Government will be instructed to watch Canadian interests and to refer to High Commissioner when they are involved ... 12
22 To Foreign Office July 8	Expresses the hope that in view of reasons given Lord Balfour will accept Colonial Office interpretation of Articles 34 and 40 of the Convention ... 12
23 The Governor-General Canada, Telegram ... July 19 (Rec. July 19)	States that pending permanent arrangement Canadian Government concurs in proposal in No. 21, but desires to be duly informed regarding the proceed- ings of the Commission ... 18

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
24 Foreign Office July 20	States that question of representation of Newfoundland will be carefully examined, and inquires if Newfoundland Government are pressing for representation ... 13
25 To Foreign Office July 27	States that no communication on the subject has been received from Newfoundland Government ... 13
	(3) Article 5.
	Application of and proposed amendment of—
1922	
26 To the Governors-General and Acting Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 37, Newfoundland 125 August 19	Transmits copy of Note from French Foreign Office regarding the application of Article 5 of the International Air Navigation Convention ... 14
27 To the Governors-General and Acting Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions 44, Newfoundland 140 September 20	States intention of His Majesty's Government to make formal notification to postpone application of Article 5 of the Convention in respect of certain States, and inquires whether Ministers desire to take similar action ... 15
28 The Governor-General Canada, Telegram ... October 17 (Rec. Oct. 17)	Desires that application of Canadian Government for derogation from Article 5 of Convention in favour of United States should be held pending further consideration if Air Navigation Commission has adopted amendment which renders such application inconsistent ... 15
29 The High Commissioner for Canada November 2	Quotes cablegram received from Ottawa stating that proposals are under consideration between United States and Canada covering freedom of passage over certain prescribed routes and asking that action be taken to obtain the necessary derogation from the Convention ... 16
30 To the Governor-General Canada, Telegram ... November 15	Inquires whether Ministers desire notification on behalf of Canada of postponement of application of Article 5 of the Convention in respect of certain countries pending grant of derogation ... 16
31 The Governor-General Canada, Telegram November 25 (Rec. Nov. 25)	Replies affirmatively to inquiry in No. 30 ... 16
32 The Governor-General Union of South Africa, 611 ... November 18 (Rec. Dec. 12)	Transmits copy of Ministers' Minute agreeing as to the desirability of postponing application of provisions of Article 5 of Convention pending discussion of amendments thereto which are under consideration ... 17
33 To the Governors-General Canada, Union of South Africa, Telegram ... December 21	Inquires whether Ministers desire signature and ratification of Protocol on their behalf and, if so, whom they nominate to sign ... 17
34 To the Governors-General Commonwealth of Australia, New Zealand, Telegram December 21	Quotes from Protocol amending Article 5, and inquires whether Ministers desire signature and ratification on their behalf and, if so, whom they nominate to sign ... 17
35 The Governor-General New Zealand, 321 November 18 (Rec. Dec. 22)	States that his Government desires to be associated with His Majesty's Government in its notification of intention to postpone application of provisions of Article 5 of Convention in respect of certain States... 18

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
36 The Governor-General Commonwealth of Australia, 442 ... November 14 (Rec. Dec. 27)	States the Commonwealth Government is in entire accord with the terms of the notification addressed to French Government as to postponement of Article 5 ... 18
	(4) Article 5.
	Application of Belgium for Derogation.
1922	
37 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... December 19	States that Belgian Government have applied for derogation from Article 5 and inquires whether Ministers accept derogation ... 19
38 The Governor-General Canada, Telegram ... December 27 (Rec. Dec. 27)	States that Government of Canada has no objection to granting Belgian application for derogation ... 19
	(5) Article 25.
1922	
39 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 398 ... November 13	Transmits copy of letter from Secretary-General of International Commission for Air Navigation regarding the adoption of the necessary legislative or administrative measures to give effect to provisions relating to infliction of penalties for infringements of Convention ... 19
	ANTARCTIC.
	Future Control.
40 To Law Officers and Law Officers' Report November 27, 1922 January 3, 1923	Reference as to method of transferring the administration of the Ross Sea area of the Antarctic to the New Zealand Government. Report expressing the opinion that transfer could only be effected by Order in Council ... 20
	ARBITRATION AGREEMENTS.
	(1) Denmark.
	(2) Iceland.
1922	
41 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions, 285 ... August 12	Transmits copies of two Conventions renewing with Denmark and Iceland, for a further five years, the Convention of 25th October, 1905, explains delay and gives date of ratification ... 22

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
ARMS TRAFFIC CONVENTION.	
1922	
42 The Governor-General Canada, Telegram ... February 25 (Rec. Feb. 25)	States that the Canadian Government has been asked by the League of Nations Council whether they are prepared to ratify the Convention, and inquires as to present position and attitude of His Majesty's Government ... 23
43 To the Governor-General Canada, Telegram ... March 21	States that position as regards ratification of Arms Traffic Convention remains unchanged, and that no further communication to the League is deemed necessary at present ... 23
44 To the Governor-General Canada, Confidential ... March 23	States, as in No. 43, that the attitude of the United States Government remains undefined, and that the position with regard to the Arms Convention is unchanged ... 24
45 The Governor-General Canada, Telegram ... July 7 (Rec. July 7)	Inquires whether Canadian Government's concurrence in proposal to proceed with ratification of Arms Traffic Convention, subject to conditions specified, has been communicated to League of Nations ... 24
46 To the Governor-General Canada, Telegram ... July 26	States, in reply to No. 45, that no formal communication was made to League of Nations regarding ratification of Arms Traffic Convention ... 24
47 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 845 ... September 13	Transmits copy of despatch from His Majesty's Chargé d'Affaires, Washington, forwarding a memorandum from the United States Secretary of State, intimating that for reasons given United States Government is unable to ratify the Convention ... 25

AUSTRALIA.

Commercial Treaties affecting :—Enquiry from Danish Government.

1922	
48 To the Governor-General Commonwealth of Australia, 266 ... July 28	Transmits copy of a Note from the Danish Minister submitting certain questions relative to the position of the self-governing Dominions respecting commercial treaties, with particular reference to the possibility of an arrangement between Denmark and Australia; indicates the terms of the proposed reply, and requests observations ... 26

BELGIUM.

Proposed Anglo-Belgium Defence Pact.

1922	
49 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... January 21	Communicates operative clauses of draft Anglo-Belgian Military Agreement ... 28

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
50 The Governor-General New Zealand, Telegram January 22 (Rec. Jan. 22)	States that his Government approves draft operative clauses of Anglo-Belgian Treaty ... 28
BOLIVIA.	
Convention for the Prevention of False Indications of Origin on Goods.	
1922	
51 Foreign Office May 9	Transmits despatch from His Majesty's Minister at La Paz inquiring, relative to the Convention for the prevention of false indications of origin on goods, if the term "United Kingdom" includes Ireland; proposes to inform His Majesty's Minister that it is unnecessary to arrange an exchange of notes, and that accordingly no question of the definition of the United Kingdom will arise ... 29
52 To Foreign Office May 22	Concurs in course proposed in No. 51 on the understanding that it is the official view of His Majesty's Government that the Convention applies on the British side to the United Kingdom only, and that there is no indication that the Bolivian Government thinks differently ... 29
53 Foreign Office May 29	Transmits copy of a despatch to His Majesty's Minister at La Paz stating that the question of an exchange of notes defining the scope of the Convention may be dropped ... 30

CZECHO-SLOVAKIA.

Proposed Commercial Treaty. Imposition of Duties under Safeguarding of Industries Act.

1922	
54 To Board of Trade (Extract) ... August 11	Suggests certain amendments to the draft Commercial Treaty with Czecho-Slovakia in order to facilitate the accession of the Dominion and Colonies, and eventually the Irish Free State, to the Treaty ... 30
55 Board of Trade September 4	Transmits copy of letter to the Foreign Office setting forth the views of the Board regarding the provisions of the proposed treaty ... 32

EGYPT.

Future Status.

1922	
56 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram February 27	Transmits message from the Prime Minister to the Prime Minister notifying decision to terminate the British Protectorate over Egypt, and to recognize the territory as an independent Sovereign State, subject to certain reservations ... 34
57 To the Governors-General Canada 187, Commonwealth of Australia 125, New Zealand 54, Union of South Africa 92 ... March 16	Transmits copies of a Parliamentary Paper [Cmd. 1592] and of a statement by the Prime Minister respecting affairs in Egypt ... 35

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
--	----------------------

EXTRADITION TREATIES.

Serb-Croat-Slovene State, Bulgaria, Czecho-Slovakia, Esthonia, Poland, Brazil, Finland.

1922

- 58 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 301 ... August 19
Transmits copy of despatch from His Majesty's Minister at Belgrade reporting that the Extradition Treaty between United Kingdom and Serbia of 1900 is regarded as covering the whole of the Serb-Croat-Slovene State ... 35
- 59 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 341, Confidential ... September 8
Transmits copies of despatches addressed to His Majesty's Representatives at Sofia, Prague, Reval, Warsaw and Rio de Janeiro, and to the Finnish Minister in London, regarding the proposed conclusion of treaties to provide for the reciprocal surrender of fugitive criminals between this country and Bulgaria, Czecho-Slovakia, Esthonia, Poland, Brazil and Finland, together with a copy of the draft Treaty forwarded therein ... 36
- 60 To the Governors-General Commonwealth of Australia Confidential, New Zealand Confidential 2, Union of South Africa, Confidential ... September 8
Draws attention to provision made in Article 19 of the draft Extradition Treaty with Bulgaria, Czecho-Slovakia, Esthonia, Poland, Brazil, and Finland for its extension to Mandated Territories ... 39
- 61 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 882, Confidential ... October 23
Transmits copy of correspondence with His Majesty's Minister at Sofia respecting the decision to defer negotiation of an extradition treaty with Bulgaria as the question of capitulations would be involved ... 40

FINLAND.

(1) Proposed Commercial Agreement.

1922

- 62 To Foreign Office February 10
Considers for reasons stated that the scope of the provisional commercial agreement with Finland should be confined to Great Britain ... 41

(2) Proposed Tonnage Measurement Agreement.

1922

- 63 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... July 18
Requests views regarding provision for inclusion of Dominions in proposed new tonnage measurement agreement with Finland ... 41
- 64 The Governor-General Canada, Telegram ... August 3 (Rec. Aug. 3)
States that his Ministers desire that Canada should be included in new agreement ... 42
- 65 The Governor-General New Zealand, Telegram August 10 (Rec. Aug. 10)
States that New Zealand Government is willing to participate in proposed agreement, and does not require that special provision for withdrawal should be made as far as New Zealand is concerned ... 42

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
--	----------------------

1922

- 66 The Acting Governor Newfoundland, Telegram ... August 14 (Rec. Aug. 15)
States that Ministers desire to leave matter of Finnish Bill to decision of His Majesty's Government ... 42
- 67 The Governor-General Union of South Africa, Telegram ... August 80 (Rec. Aug. 80)
States that Ministers request that South Africa be included in proposed agreement subject to reservation indicated ... 42
- 68 The Governor-General Commonwealth of Australia, Telegram September 11 (Rec. Sept. 11)
Concurs in proposed agreement ... 43
- 69 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 424 December 13
Transmits copy of draft Tonnage Measurement Agreement with Finland ... 43

FRANCE.

(1) Anglo-French Relations and Proposed Anglo-French Defence Pact.

1922

- 70 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram (Extract) ... January 16
Transmits message from Mr. Lloyd George for Prime Minister giving substance of a recent conversation with M. Poincaré regarding the political situation in France and its bearing on the proposed Anglo-French Treaty ... 44
- 71 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... January 16
Communicates operative clauses of draft Anglo-French Treaty ... 45
- 72 The Governor-General New Zealand, Telegram January 19 (Rec. Jan. 19)
States that his Government approves operative clauses of draft Anglo-French Treaty ... 45
- 73 The Governor-General New Zealand, Telegram (Extract) ... January 19 (Rec. Jan. 19)
Transmits message for Mr. Lloyd George from Mr. Massey hoping that amicable relations between the two nations may be maintained ... 45
- 74 The Governor-General Union of South Africa, Telegram ... January 28 (Rec. Jan. 29)
Transmits message from Prime Minister for Mr. Lloyd George commenting unfavourably on the proposed Anglo-Belgian and Anglo-French Treaties ... 46
- 75 The Governor-General Union of South Africa, Telegram Secret December 13 (Rec. Dec. 15)
Transmits message from Prime Minister for Prime Minister commenting on French policy as regards German reparations, and offering suggestions as to course to be followed if Allies disagree at Paris Conference ... 47
- 76 To the Governor-General Union of South Africa, Telegram Secret December 18
Transmits message for General Smuts from Prime Minister stating that policy advocated in No. 75 will receive consideration ... 48

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
(2) Commercial Convention of 1882.	
1922	
77 To Board of Trade (Extract) ... February 17	Reviews the position under the Convention, and expresses the view that no question of substantial or formal inequality arises from the application of the Convention to the Dominions and Colonies of each party to the Convention ... 48
78 Board of Trade (Extract) ... March 15	Concurs in views expressed in No. 77 ... 49
79 Board of Trade April 10	Transmits copy of a letter sent to His Majesty's Senior Trade Commissioner in Australia regarding the application of the Convention to the Dominions and Colonies of each party to the Convention ... 49
80 To Board of Trade September 2	Transmits copy of letter from Foreign Office expressing the view that it was not intended that the provisions of the Convention should apply to the Colonies of either party ... 50

(3) Commercial Relations with Canada.

1922	
81 To the Governor-General Canada, 64 ... February 3	Transmits copy of a despatch from His Majesty's Consul at Noumea reporting the publication of a decree extending to New Caledonia the application of the Franco-Canadian Trade Agreement ... 51
82 The Governor-General Canada, 334 ... June 14 (Rec. June 26)	Transmits the original of the Franco-Canadian Commercial Agreement ... 52
83 Mr. W. S. Fielding to the Duke of Devonshire ... October 30	Requests that the necessary authority be issued to him and Mr. Lapointe, through the Foreign Office, for the negotiation of a commercial treaty with France ... 52
84 To Foreign Office November 3	Transmits copy of No. 83 and requests that the necessary Full Powers may be provided ... 53
85 Foreign Office November 9	Transmits copies of a despatch to His Majesty's Ambassador at Paris conveying instructions as to the negotiations and signature of the Treaty ... 53
86 Sir J. Masterton-Smith to Mr. W. S. Fielding ... December 23	Asks for signed copy of the Anglo-Canadian Commercial Convention which is required for ratification purposes ... 54
87 To Foreign Office December 30	Transmits signed copy of the Franco-Canadian Commercial Convention ... 54

(4) Convention relating to Legal Proceedings in Civil and Commercial Cases.

1922	
88 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions, 254 ... July 25	Inquires whether Ministers desire extension of the Convention with France respecting legal proceedings in civil and commercial matters to the Dominions and certain mandated territories ... 54
89 The Acting Governor Newfoundland, 127 ... September 25 (Rec. Oct. 11)	States that Ministers desire that the Convention should be extended to Newfoundland; requests for service should be made to the Registrar of the Supreme Court ... 55

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
90 The Governor-General Union of South Africa, 536 ... October 12 (Rec. Nov. 7)	Transmits Minute from Ministers stating that if the Convention represents the only method of obtaining reciprocal advantages in France, it would be desirable to accept it on behalf of the Union and the Mandated Territory of South-West Africa ... 55]
91 The Governor-General New Zealand, 277 ... October 6 (Rec. Nov. 21)	States that the extension of the Convention to New Zealand and Western Samoa is not at present desired ... 56

FREEDOM OF TRANSIT AND INTERNATIONAL WATERWAYS
CONVENTIONS, 1921.

(1) Ratification of Conventions.

1922	
92 Foreign Office March 2	Notifies receipt of copies of Instruments relating to the Freedom of Transit and Waterways Conventions, and requests concurrence in drafts of the Instrument of Ratification and Declaration enclosed ... 56
93 To Foreign Office March 9	Suggests amendments with respect to Newfoundland to drafts enclosed in No. 92, and submits an additional proviso regarding Ireland ... 59
94 Foreign Office March 14	Concurs in the proposed amendments to the draft Instruments of Ratification with the exception of the suggested proviso relative to the Irish Free State, and suggests that an informal arrangement should be made with the Provisional Government of the latter to ensure that ratification may be binding on the whole of Ireland ... 60
95 To the Governor-General and Governor New Zealand, Newfoundland, Confidential ... July 24	Transmits copy of the King's Ratification of the Conventions and Protocol [to Newfoundland] together with a Declaration of adhesion to the Protocol on behalf of Newfoundland ... 60

(2) Ratification of Declaration as to Flags for Inland States.

1922	
96 To the Governor-General and Governor New Zealand, Newfoundland, Telegram ... May 13	States that Swiss Government have raised question as to whether Declaration regarding flag of nations having no sea coast needs ratification, and asks if Ministers concur in ratification ... 61
97 To the Governors-General Canada, Commonwealth of Australia, Union of South Africa, Telegram ... May 19	Discusses question raised by Swiss Government as to whether the Declaration requires ratification, and hopes Ministers will accept the principle of the Declaration ... 61
98 The Governor-General New Zealand, Telegram ... May 23 (Rec. May 23)	States that his Government concurs in ratification of the Declaration ... 62
99 The Governor Newfoundland, Telegram ... June 19 (Rec. June 20)	States that Ministers concur in ratification of Declaration ... 62
100 The Governor-General Canada, Telegram ... June 20 (Rec. June 21)	States that Minute of Council has been approved intimating that Canada accepts principle of Declaration, and desires adhesion after ratification ... 62

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
101 The Governor-General Union of South Africa, Telegram ... June 22 (Rec. June 22)	States that Ministers have informed the League that they do not propose either to grant or withhold accession to Convention; they raise no objection to ratification on their behalf of Declaration regarding flag of nations having no seacoast and will leave to His Majesty's Government the question of procedure ... 62
102 The Governor-General Commonwealth of Australia, Telegram ... July 7 (Rec. July 7)	States that Commonwealth Government accepts principle of Declaration, and desires that arrangements be made for signature on its behalf ... 63
103 To the Governor-General Commonwealth of Australia, Telegram ... July 15	Suggests procedure for adhesion of Australia to Declaration ... 63
104 The Governor-General Commonwealth of Australia, Telegram ... July 26 (Rec. July 26)	Concurs in procedure suggested in No. 103 ... 63
105 To the Governor-General and Governor New Zealand 240, Newfoundland 168 ... November 8	Transmits copy of the ratification of the Declaration, together with copies of Notes exchanged with the Secretary-General of the League of Nations relative thereto ... 64
106 To the Governors-General Canada 531, Commonwealth of Australia 401, Union of South Africa 298 ... November 8	Transmits documents and correspondence relative to the Declaration ... 64

GENOA CONFERENCE, 1922.

1922	
107 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... January 27	Gives purport of a letter from the Italian Ambassador to the Dominion Prime Ministers conveying invitation to Dominion Governments to a Conference at Genoa on 8th March, and asking to be informed as to delegates and staff ... 65
108 The Governor-General Commonwealth of Australia, Telegram ... February 3 (Rec. Feb. 3)	Asks that the Italian Ambassador be thanked and informed that the High Commissioner will represent Australia, and will communicate the names of the members of the staff ... 66
109 The Governor-General Union of South Africa, Telegram ... February 3 (Rec. Feb. 5)	Transmits message from his Prime Minister to the Italian Ambassador conveying thanks of Union Government for invitation, and stating that the High Commissioner has been nominated as Union representative and that he will give the information as to the staff ... 66
110 The Governor-General Union of South Africa, Telegram ... February 7 (Rec. Feb. 8)	Quotes Order in Council ordering that His Majesty be moved to issue Letters Patent to Sir E. H. Walton, appointing him Plenipotentiary in respect of the Union in connexion with the Conference ... 66
111 The Governor-General Canada, Telegram ... February 9 (Rec. Feb. 9)	States that letter of invitation from the Italian Ambassador has not yet been received, and inquires as to exact wording of invitation and if more than one delegate is to be invited, also if Canada is to be represented by own delegates or by part of delegation representing British Empire ... 67
112 To the Governor-General Canada, Telegram ... February 14	Replies to inquiries in No. 111 ... 67

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
113 The Governor-General New Zealand, Telegram February 16 (Rec. Feb. 16)	States that New Zealand will be satisfied with representation of the Imperial Government at the Genoa Conference ... 68
114 The Governor-General Canada, Telegram ... February 16 (Rec. Feb. 17)	Transmits message from his Prime Minister for the Prime Minister reporting receipt of invitation from Italian Ambassador, and stating that a Minute of Council will be passed appointing Sir C. B. Gordon and Prof. E. Montpetit to represent Canada at Conference; also asking that Italian Ambassador may be so informed, and requesting information as to prospects of holding the Conference on date fixed ... 68
115 To the Governor-General Canada, Telegram ... February 18	Transmits message for Prime Minister stating that the date of the Conference at present remains unaltered and requesting early information as to staff ... 68
116 The Governor-General Canada, Telegram ... February 24 (Rec. Feb. 24)	Transmits message for Prime Minister from Prime Minister conveying information regarding personnel of staff, etc. ... 69
117 To the Governor-General Canada, Telegram ... February 27	States that the Conference is being postponed for at least a month ... 69
118 The Governor-General Canada, Telegram ... March 13 (Rec. March 14)	Transmits message for Prime Minister from his Prime Minister requesting early information as to date fixed for the Conference ... 69
119 To the Governor-General Canada, Telegram ... March 14	Transmits message for his Prime Minister from Prime Minister stating that the Italian Government have agreed to 10th April as date for Conference ... 70
120 The Governor-General New Zealand, Telegram March 27 (Rec. March 27)	Asks that the Italian Government may be informed that Sir F. Bell will represent New Zealand at the Conference, and that pending his arrival New Zealand will be represented by the British delegation ... 70
121 To the Governor-General New Zealand, Telegram March 27	Inquires whether Ministers agree that full powers be given to one of the plenipotentiaries to sign on behalf of New Zealand pending the arrival of Sir F. Bell ... 70
122 The Governor-General New Zealand, Telegram March 30 (Rec. March 30)	Agrees to course proposed in No. 121 ... 71

GREECE.

Commercial Relations with Dominions.

1922	
123 To the Governors-General Canada 321, Union of South Africa 187 ... June 26	Asks what reply Ministers would wish to be returned to inquiry of Greek Chargé d'Affaires regarding the treatment accorded by the Governments of Canada and the Union of South Africa to goods of Greek origin and manufacture ... 71
124 The Governor-General Canada, Telegram ... July 22 (Rec. July 22)	States that Ministers represent that principle of most-favoured-nation treatment is not in force between Canada and Greece, but the question of a Commercial Agreement between the two countries will be given early consideration ... 71
125 The Governor-General Union of South Africa 449 ... August 9 (Rec. Aug. 29)	Transmits Minute from Ministers stating that goods of Greek origin receive treatment as favourable as that accorded to goods originating from any other foreign country ... 72

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
THE HAGUE CONFERENCE, 1922.	
1922	
126 To the Governor-General Canada, Telegram ... May 26	Inquires whether Ministers propose to be represented at The Hague Conference and, if so, by whom ... 72
127 To the Governor-General New Zealand, Telegram ... May 26	Ditto ... 73
128 The Governor-General New Zealand, Telegram ... June 5 (Rec. June 5)	States that his Government desires to be represented by Sir F. Bell ... 73
129 To the Governors-General Canada 301, New Zealand 107 ... June 14	Transmits copy of Note from the Italian Embassy conveying an invitation to the Canadian and New Zealand Governments to nominate representatives to attend the Conference, and copy of telegram to His Majesty's Minister at The Hague regarding the representation of His Majesty's Government ... 73
130 To the Governors-General Commonwealth of Aus- tralia 216, Union of South Africa 179 ... June 14	Ditto ... 74

HONDURAS.**Commercial Treaty, 1910.****Position of British Companies.**

1922	
131 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Dominions 284 ... August 12	Transmits copies of correspondence relative to the application to British companies of a new law relat- ing to foreign insurance companies operating in Honduras ... 75

INTERNATIONAL LABOUR CONFERENCE, 1919.**Draft Conventions adopted by the Conference.**

1922	
132 Foreign Office to Offices of the Cabinet ... March 22	Calls attention to the incorrect phraseology used by the League of Nations Secretariat in describing the position as regards ratifications of the draft Labour Conventions by the British Empire ... 78
133 To Foreign Office ... April 13	Replies to point raised in No. 132 ... 78
134 Foreign Office ... April 29	Accepts view expressed in No. 133 ... 79

INTERNATIONAL REFRIGERATION CONVENTION, 1920.

1922	
135 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Dominions Treaty 4 ... January 20	Inquires whether the Dominion Governments desire ratification on their behalf of the International Refrigeration Convention of 1920 ... 80

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
136 The Governor-General Canada 114 ... March 3 (Rec. March 18)	Transmits copies of a Privy Council Minute stating that the Government of Canada desire that the Conven- tion should be ratified ... 80
137 The Governor-General Union of South Africa 125 ... March 29 (Rec. April 18)	Transmits copy of Ministers' Minute stating that they desire ratification of the Convention on behalf of the Union ... 81
138 The Governor-General New Zealand 79 ... March 23 (Rec. May 18)	States that his Government desires ratification of the Convention on behalf of New Zealand ... 81
139 The Governor-General Commonwealth of Aus- tralia 169 ... April 27 (Rec. June 12)	States that his Government desires ratification of the Convention on behalf of the Commonwealth ... 82

INTERNATIONAL SANITARY CONVENTION, 1912

1922	
140 To the Governor-General Commonwealth of Aus- tralia 446 ... December 8	Transmits copy of Note from the French Government explaining inability to recognize the accession of the Commonwealth to the Convention, and points out that the French contention might be disposed of if the Commonwealth Government worded their reservation in the form adopted by the United States ... 82

INTERNATIONAL VETERINARY BUREAU.**Proposed International Convention.**

1922	
141 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Dominions 171 ... May 30	Transmits a Note from the French Ambassador regard- ing a proposed International Convention for the creation of an International Veterinary Bureau ... 83
142 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Dominions 197 ... June 16	Transmits copy of Note to the French Ambassador in which inquiry is made as to the views of the French Government on the subject of the control of the International Veterinary Bureau ... 84
143 The Deputy Governor- General Canada 347 ... June 17 (Rec. June 28)	Notifies decision that it would not be advisable for Canada to participate in the creation of the Bureau ... 85
144 The Governor-General Union of South Africa 478 August 29 (Rec. Sept. 19)	Transmits copy of a Minute from Ministers stating that they are in accord with the principle of the establishment of the Bureau, but will await the further communication referred to in No. 141 before deciding on adherence ... 85
145 Foreign Office ... October 23	Transmits copy of a Note from the French Ambassador containing the views of the French Government on the bearing of Article 24 of the League of Nations Covenant on the status of the proposed Bureau ... 86

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
146 To the Governor-General Union of South Africa 284 October 28	Transmits copy of a Note to the French Ambassador regarding the participation of His Majesty's Government in the International Veterinary Bureau Convention ... 87
147 To the Governors General and Governor Canada 519, Commonwealth of Australia 389, New Zealand 224, Newfoundland 162 ... October 28	Ditto ... 87
148 To Foreign Office November 23	Submits observations on the French Government's interpretation of Article 24 of the League of Nations Covenant ... 88
149 Foreign Office December 5	Remarks on the effect of Article 24 of the Covenant of the League of Nations on International Bureaux, and outlines the proposed reply to the Note from the French Government enclosed in No. 145 ... 88

IRISH FREE STATE.

Position in relation to International Conventions.

1922	
150 To Foreign Office March 9	Asks for a list of Treaties awaiting ratification other than those signed as a result of the Washington and Barcelona Conferences in order that the position of the Irish Free State may be considered ... 89
151 Foreign Office April 5	Transmits with remarks copy of list requested in No. 150 ... 89
152 To the Provisional Government of Ireland ... May 2	Indicates the position of the Irish Free State with regard to International Conventions ... 91
153 The Provisional Government of Ireland ... May 5	Acknowledges No. 152 ... 91

ITALY.

Commercial Treaty of 1883.—Imposition of depreciated currency duty on imports into New Zealand.

1922	
154 The High Commissioner New Zealand ... March 17	Transmits for observations copy of a memorandum from the Italian Commercial Delegation expressing the opinion that the levying in New Zealand of "depreciated currency duty" is contrary to terms of the Anglo-Italian Commercial Treaty of June, 1883 ... 92
155 To the High Commissioner New Zealand, Confidential May 31	Transmits information asked for in No. 154 ... 93
156 To the Governor-General Commonwealth of Australia, Confidential ... May 31	Transmits copies of Nos. 154 and 155 ... 95
157 To the Governor-General New Zealand, Confidential ... May 31	Ditto ... 95
158 To the Governor-General Union of South Africa, Confidential ... May 31	Ditto ... 95

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
159 The Governor-General Union of South Africa, Confidential ... July 26 (Rec. Aug. 13)	Transmits copy of Ministers' Minute stating that the provisions made by the Union in regard to importations from countries having a depreciated currency are not in conflict with Article 2 of the Treaty between Great Britain and Italy ... 96
160 The Governor-General New Zealand, Confidential August 5 (Rec. Sept. 20)	States that depreciated currency duty will not be levied against goods being the produce or manufacture of Italy, or of countries having commercial treaties to which New Zealand has become a party ... 96

JAPAN.

Proposed Load-Line Agreement.

1922	
161 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 98 ... January 30	Transmits copy of correspondence with the Japanese Ambassador regarding the arrangements for the provisional mutual recognition of load-lines by the British and Japanese Governments ... 97
162 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 79 ... March 7	Transmits copy of a Note from the Japanese Ambassador stating that the load-line certificates issued by Teikoku Kaiji Kyokai (The Imperial Marine Association) and Lloyds' Register of Shipping will be recognized by Japanese Government ... 98
163 To the Governor-General Commonwealth of Australia 108 ... March 7	Transmits copies of correspondence with the Japanese Ambassador regarding the desire of the Japanese Government to make arrangements with the Governments of India, Victoria, South Australia, and the Straits Settlements for mutual recognition of load-line certificates ... 99
164 To the Governor-General Commonwealth of Australia 138 ... March 29	Transmits copy of correspondence with the Japanese Ambassador regarding the arrangements for the mutual recognition of load-line certificates ... 100

LATVIA.

Proposed Commercial Treaty.

Position of British Subjects under Commercial Treaties.

1922	
165 To Foreign Office February 23	Summarizes objections to suggestion that an inter-departmental conference be held to discuss the position of British Dominion subjects under commercial treaties, and expresses the hope that the present basis for negotiations shall stand ... 101
166 Foreign Office April 25	States, in reply to No. 165, that Lord Curzon does not desire at the moment to press the suggestion ... 102

LEAGUE OF NATIONS.

(1) Admission of Germany.

1922	
167 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram, Secret July 14	Transmits message from Prime Minister for Prime Minister indicating action taken with regard to the admission of Germany to the League of Nations ... 102

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
(2) Ratification of Amendments of Covenant.	
1922	
168 To the Governor Newfoundland 3 ... January 4	Transmits various reports and memoranda dealing with proposed amendments of the League of Nations Covenant ... 103
169 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... March 8	Inquires whether Ministers concur in ratification of Protocols embodying amendments to the Covenant of the League of Nations, except those relating to Article 16, if so, requests that they will arrange for prior signature at Geneva ... 104
170 The Governor-General New Zealand, Telegram March 16 (Rec. March 16)	States that his Government concurs in ratification of Protocols, and arrangements are being made for Sir James Allen to sign prior to ratification ... 104
171 The Governor-General Commonwealth of Australia, Telegram ... April 18 (Rec. April 19)	States that his Government concurs in ratification of Protocols, and requests prior signature on behalf of Commonwealth by British Representative on the Council ... 104
172 The Governor-General Union of South Africa, Telegram ... May 8 (Rec. May 9)	States that Ministers concur in ratification of Protocols, and that the High Commissioner will be asked to arrange for signature as soon as he returns from Geneva ... 105
173 The Governor-General Canada, Telegram ... May 15 (Rec. May 15)	States that the High Commissioner in London is being authorized to proceed to Geneva to sign Protocols, but it is proposed to submit amendments to Parliament before advising ratification ... 105
174 To the Governor-General Commonwealth of Australia 204 ... May 30	With reference to No. 171 states that all Protocols, except that relating to Article 16, were signed on 17th May by the Earl of Balfour on behalf of the Commonwealth ... 105
175 To the Governor Newfoundland 86 ... June 19	States that the Protocols, excepting that relating to Article 16, were signed by the Earl of Balfour on 17th May with a proviso regarding that recording the third amendment to Article 6 ... 105
176 The Governor-General Canada, Telegram ... July 6 (Rec. July 6)	States that Order in Council was passed on 3rd July approving ratification of Protocols embodying amendment of Articles 4, 6, 12, 13, 15 and 26 ... 106

(3) Amendment of Article 16 of Covenant (Economic Weapon).

1922	
177 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 17, Confidential ... May 10	Transmits for observations of Ministers copies of the Report of an Inter-Departmental Committee appointed to consider the proposed amendments to Article 16 of the Covenant of the League of Nations, and asks whether they concur in the proposal regarding the French Government and the first amendment ... 106
178 To the Governor Newfoundland, Confidential ... May 10	Transmits copies of the report of an Inter-Departmental Committee appointed to consider the proposed amendments to Article 16 of the League of Nations Covenant ... 107
179 The Governor-General Canada, Telegram ... (Rec. July 9)	States that his Government concurs in proposal to open negotiations with French Government as to the first of proposed amendments, and remarks upon the necessity for avoiding divergence of views within the Empire as to the application of the economic weapon ... 107

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
180 The Governor-General Union of South Africa, Confidential ... June 28 (Rec. July 11)	Transmits Ministers' Minute recording their views on the proposed amendments ... 108
181 The Governor-General New Zealand, Telegram August 4 (Rec. Aug. 4)	States that New Zealand Government agree to the recommendation of the Committee and concur in the proposal to open negotiations with French Government ... 108
182 The Governor-General Commonwealth of Australia, Telegram ... September 6 (Rec. Sept. 6)	States that Ministers concur in proposal regarding negotiations with French Government, and suggest an alteration in wording of second paragraph of amendments ... 109

LITHUANIA.**Commercial Agreement.**

1922	
188 Foreign Office February 3	Transmits copy of correspondence with the Board of Trade regarding the Commercial Agreement with Lithuania, and requests views on the proposed amendments in the draft exchange of notes to provide for the accession of the Dominions to the temporary arrangement ... 109
184 To Foreign Office March 18	Considers provision for optional accession of the Dominions to the Treaty desirable, and suggests employing the formula used in the case of Estonia subject to minor alteration indicated; is of opinion that special provision in respect of Ireland is unnecessary ... 113
185 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 167 ... May 29	Transmits Notes exchanged between the British Commissioner and the Lithuanian Minister embodying the Agreement ... 114

MANDATES.**(1) Attitude of United States Government.****(a) "A" and "B" Mandates.**

1922	
186 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 11, Confidential ... March 28	Transmits copy of a Note addressed to the United States Ambassador concerning certain points at issue in connexion with Mandates ... 115
187 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 13, Confidential ... April 22	Transmits copies of a Note from the United States Ambassador giving the views of his Government on "B" Mandates, and of correspondence between Mr. Harvey and the Foreign Office on the subject of Palestine Mandate ... 118
188 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 19, Confidential ... May 18	Transmits copies of a Note from the United States Ambassador on the subject of "B" Mandates and of a Note to him respecting the Palestine Mandate... 125

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
189 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Dominions Treaty 36, Confidential ... August 16	Transmits copies of correspondence on the subject of "B" Mandates ... 127
190 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Dominions Treaty 43, Confidential September 14	Transmits copies of correspondence relative to the treaty with the United States America regarding "B" Mandates ... 131
191 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Dominions Treaty 58, Confidential November 16	Transmits copy of Note to the United States Am- bassador regarding text of proposed treaty with United States in connexion with certain mandated territory in tropical Africa, together with copies of Notes exchanged between the Foreign Office and United States relative to proposed Convention regarding the mandate for Palestine ... 134
(b) "C" Mandates.	
1922	
192 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Dominions Treaty 7, Confidential ... February 21	Transmits account of a conversation between Mr. Balfour and the United States Representative on the United States attitude, and draft of a Note record- ing that the conclusion of the Quadruple Pacific Treaty does not prejudice the present position ... 137
193 The Governor-General Union of South Africa 156 April 11 (Rec. May 1)	Transmits copy of a letter from the American Consul- General at Cape Town making inquiries as to the Customs Laws of the Union and of their application to South West Africa ... 138
194 The Governor-General Union of South Africa 221 May 17 (Rec. June 6)	Transmits letter to the American Consulate-General, Cape Town, stating that there is free trade between the Union, the High Commission Territories and South West Africa, and that the Union preferential rates on imports from Great Britain, Canada, Australia, and New Zealand, also apply to the Mandated Territory ... 139
195 To the Governor-General Canada, Confidential August 18	Transmits copy of correspondence with the United States Ambassador regarding the administration of "C" Mandate Territories ... 140
196 To the Governors-General Commonwealth of Aus- tralia, New Zealand, Union of South Africa, Confidential ... August 18	Ditto ... 143
197 To the Governors-General Commonwealth of Aus- tralia, New Zealand, Union of South Africa, Telegram, Confidential August 30	Communicates substance of Note from the United States Ambassador enclosed in No. 196 ... 143
198 To the Governor-General Commonwealth of Aus- tralia, Telegram ... August 30	States, with reference to No. 197, that the United States Ambassador also protested against discrimi- nating action by the Commonwealth Government re- garding the sale of enemy property and oil deposits in New Guinea ... 144

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
199 To the Governor-General New Zealand, Telegram August 30	States, with reference to No. 197, that United States Ambassador also referred to discriminatory tariff imposed by New Zealand in Samoa ... 144
200 To the Governor-General Union of South Africa, Telegram ... August 30	States, with reference to No. 197, that United States Government also protested against discriminatory action contemplated by the Union with regard to Customs in South West Africa ... 144
201 The Governor-General New Zealand, Confidential November 2 (Rec. Dec. 22)	States, with reference to No. 196, that Ministers would be glad if the points raised by the United States Government may be temporarily shelved until they have been considered by the Imperial Conference ... 145
(2) Position of Mandated Territories in relation to Treaties.	
1922	
202 To Foreign Office February 9	Submits observations on the interpretation of Article 22 of the Treaty of Versailles, and requests that if Lord Curzon does not concur in the views expressed a statement of policy may be received for communi- cation to the Dominion Governments ... 145
203 Foreign Office April 25	Agrees to refrain from disputing view put forward in No. 202, but accepts the offer to obtain the con- sidered views of the Dominion Governments, as the position may be challenged by a Foreign Power before the League of Nations ... 148
204 To Foreign Office May 11	Suggests that communication with the Dominion Gov- ernments might be deferred until the question arises in a concrete form ... 148
205 Foreign Office May 18	States that there is no objection to the suggestion con- tained in No. 204, and presumes that the Common- wealth Government will be informed of the contents of Foreign Office letter of 21st October, 1921, in so far as it related to the issue of passports to natives of mandated territories ... 149
206 To the Governor-General Commonwealth of Australia, Confidential ... June 27	Indicates the views of His Majesty's Government on certain points raised on the subject of international status of territories held under mandate, in Com- monwealth despatch of 1st August, 1921 ... 149
(3) Nauru Mandate.	
1922	
207 To the Governor-General Commonwealth of Australia, Telegram ... July 26	Inquires whom the Commonwealth Government wish to nominate as mandatory representative on the Mandates Commission during examination of Nauru annual report ... 150
208 The Governor-General Commonwealth of Australia, Telegram ... July 28 (Rec. July 28)	Communicates telegram from his Prime Minister for Secretary-General, League of Nations, stating that Sir J. Cook, High Commissioner in London, will represent Mandatory on the Mandates Commission during examination of Nauru reports ... 151
209 To Offices of the Cabinet July 28	Transmits copy of No. 208 ... 151
210 Offices of the Cabinet July 31	Transmits copy of Note to the Secretary-General of the League of Nations notifying the appointment of Sir J. Cook as British Empire representative on the Mandates Commission during the discussion of the reports on Nauru ... 151

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
211 To the Governor-General Commonwealth of Australia, 378 October 20	Transmits, with observations, copy of letter from the President of the League of Nations Council relative to the Council's resolutions on the Report of the Mandates Commission 152
212 To the Governor-General New Zealand, 218 October 20	Transmits copy of No. 211 153
218 Colonial Office	Memorandum on discussion of Report on Nauru by the Permanent Mandates Commission 153

(4) Western Samoa—Preferential Tariff.

1922	
214 To Foreign Office February 9	Concurs in views expressed in Foreign Office letter of 12th September, 1921, regarding American Treaty rights in Samoa 154
215 Colonial Office June —	Memorandum on the rights of the United States Gov- ernment in Samoa under the Treaty of 1899 155
216 Mr. C. T. Davis to Sir F. H. D. Bell June 8	Transmits correspondence on the subject of the claim of the United States Government to national treat- ment, also a memorandum for observations, the sub- stance of which it is proposed to telegraph to New Zealand 155
217 The Attorney General for New Zealand June 10	Memorandum on the subject of the Western Samoa Customs Duty 156
218 To Foreign Office June 15	Transmits copies of Nos. 216 and 217 and suggests that the opinion of the Law Officers should be obtained on certain points; remarks upon the appli- cation of certain laws to Samoa as provided by the United States Merchant Marine Act, 1920 157
219 Foreign Office to Law Officers and Law Officers' Report July 12 August 4	Reference to Law Officers submitting points raised by the United States Government and report thereon ... 158
220 To the Governor-General New Zealand, Telegram September 16	Suggests, in view of findings of Law Officers, that United States Government be informed that New Zealand Government is prepared to extend prefer- ential tariff in Samoa to United States goods, pro- vided that United States Government agrees not to confine trade between United States and Tutuila to United States' vessels 160
221 To the Governor-General New Zealand, Telegram September 16	Reports that Sir F. Bell recommends concurrence in course suggested in No. 220 161
222 The Governor-General New Zealand, Telegram November 6 (Rec. Nov. 6)	States, with reference to No. 220, that his Government desires to consult Sir F. Bell before coming to a decision 161

(5) Nationality of Inhabitants of "B" and "C" Mandated Territories.

1922	
223 To the Governors-General Commonwealth of Aus- tralia, New Zealand, Union of South Africa, Confidential January 17	Transmits report of a discussion at the Colonial Office with a Sub-Committee of the Permanent Mandates Commission, and a Memorandum on question of the nationality and naturalization of inhabitants of "B" Mandated Territories 162

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
224 Offices of the Cabinet April 25	Requests views as to the attitude to be adopted by the British Representative on the League of Nations Council on the question of the nationality of the inhabitants of "B" and "C" mandated areas ... 164
225 To the High Commissioner for New Zealand April 27	Inquires whether the New Zealand Government desire to submit observations respecting the nationality of inhabitants of Mandated Samoa for consideration of the Council of the League of Nations 165
226 To the Governor-General Commonwealth of Australia, Telegram April 27	Inquires whether his Ministers desire to submit views regarding the nationality of inhabitants of New Guinea for consideration of Council of League of Nations 165
227 The High Commissioner or New Zealand April 28	Transmits with remarks copies of opinions by the former Solicitor-General of New Zealand on the national status of Samoans and the naturalization of inhabitants of Samoa 165
228 Mr. F. H. Sargent to Mr. E. J. Harding April 28	Transmits copy of a Note of the proceedings at a meet- ing on the 23rd November, 1921, when a Sub- Committee of the League of Nations Mandates Com- mission discussed the question of the nationality of the inhabitants of South West Africa 167
229 To the Offices of the Cabinet May 4	States, in reply to No. 224, that Colonial Office views are contained in memorandum enclosed in No. 223, but having regard to divergences of opinion of British, French, and Belgian Governments, the most desirable course might be that the Council of the League should make a general statement as to the position 169
230 The Governor-General Commonwealth of Australia, Telegram May 10 (Rec. May 10)	Conveys views of his Government on question of nationality of inhabitants of mandated New Guinea for submission to the League of Nations Council ... 169
231 Offices of the Cabinet September 5	Forwards copies of the Report of the Permanent Man- dates Commission on the national status of inhabi- tants of "B" and "C" mandated territories and a Report by the Spanish Representative showing that consideration of the question by the Council has been postponed 170
232 To Offices of the Cabinet September 14	Submits observations on the Report of the Permanent Mandates Commission enclosed in No. 231 171
233 The Governor-General Union of South Africa, Confidential September 6 (Rec. Sept. 27)	Reports on his tour in South West Africa and encloses press cuttings; remarks on the feeling among the German population and favours the issue of a Pro- clamation declaring them to be British subjects ... 171

(6) Permanent Mandates Commission:—Appointment of British Member.

1922	
234 To the Governors-General Commonwealth of Aus- tralia, New Zealand, Union of South Africa, Telegram, Secret December 9	Inquires whether Dominion Prime Ministers concur in proposed appointment of Sir F. Lugard as British representative on the Permanent Mandates Commis- sion vice Mr. Ormsby-Gore 173
235 To the Governors-General Commonwealth of Aus- tralia, New Zealand, Union of South Africa, Telegram, Secret December 9	States, with reference to No. 234, that the other Dominion Prime Ministers are also being consulted 173

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
236 The Governor-General Union of South Africa, Telegram ... December 12 (Rec. Dec. 13)	States that his Prime Minister concurs in appointment of Sir F. Lugard ... 173
237 The Governor-General New Zealand, Telegram December 15 (Rec. Dec. 15)	Ditto ... 174

MUSCAT.

Anglo-Muscat Treaty, 1891.

1922	
238 To India Office January 2	Considers the insertion of a clause providing for the separate withdrawal of the Dominions from the Anglo-Muscat Treaty of 1891 unnecessary, and, if Mr. Montagu concurs, proposes to obtain the views of the Dominion Governments in the matter ... 174
239 India Office January 9	Concurs in course of action proposed in No. 238 ... 175
240 To the Governors-General and Governor Canada 81, Common- wealth of Australia 67, Union of South Africa 64, Newfoundland 80 February 13	Inquires whether the Dominions Governments desire the insertion of a clause in the Anglo-Muscat Treaty of 1891 providing for the separate withdrawal of any Dominion ... 175
241 The Governor Newfoundland 57 ... April 18 (Rec. May 2)	States that Ministers consider it unnecessary to insert in any agreement extending the present Treaty with Muscat provisions giving Newfoundland separate liberty of withdrawal ... 176
242 The Governor-General Union of South Africa 174 ... April 20 (Rec. May 9)	Transmits Ministers' Minute to the effect that the question of the separate withdrawal of the Dominions might be left in abeyance until a new treaty is negotiated ... 176
243 The Deputy Governor-General Canada 504 ... September 12 (Rec. Sept. 25)	Transmits copy of Privy Council Minute stating that in any agreement for the renewal of the Treaty it would be advisable to have a clause inserted giving the Dominions separate liberty of withdrawal ... 176
244 The Governor-General Commonwealth of Aus- tralia 431 ... October 30 (Rec. Dec. 8)	States desire of the Commonwealth Government that in any agreement for further renewal of the Treaty a provision be included giving the Commonwealth separate liberty of withdrawal ... 177

NORWAY.

Proposed Commercial Agreement with Australia.

1922	
245 Foreign Office March 3	Transmits copy of Note from Norwegian Minister stat- ing that his Government desire to open negotiations for a commercial agreement with the Common- wealth, and inquiring as to the most suitable proce- dure; proposes to reply on lines indicated ... 178
246 To the Governor-General Commonwealth of Aus- tralia, Telegram ... March 24	Inquires whether Ministers desire to enter into negotia- tions for a commercial agreement with Norway and, if so, what procedure they would suggest ... 178

Serial No., From or to whom,
Despatch No., &c., and Date.

Subject and Page No.

PEACE COMMISSION TREATIES.

Bolivia, Brazil, Chile and Peru.

1922	
247 The Governor Newfoundland, Telegram January 14 (Rec. Jan. 14)	States that his Ministers agree to course proposed in the Secretary of State's despatch of 24th October, 1921 ... 179
248 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Dominions 58 ... February 18	Transmits copies of despatches to His Majesty's Ministers at Santiago, Lima and La Paz conveying instructions for the termination of the Peace Com- mission Treaties with Chile, Peru and Bolivia ... 179
249 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Dominions 135 ... May 3	Transmits copy of despatch from His Majesty's Minis- ter at Lima reporting that the Peruvian Government agree that ratification of the Peace Commission Treaty should not be proceeded with ... 180
250 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Dominions 165 ... May 29	Transmits copy of a despatch from His Majesty's Minister at Santiago forwarding correspondence and Notes regarding the termination of the Peace Com- mission Treaty with Chile ... 182

PERSIA.

Agreement, 1920, modifying the Commercial Convention of 1903.

1922	
251 To the Governor-General Commonwealth of Aus- tralia 6 ... January 4	Transmits copy of despatch to His Majesty's Minister at Tehran conveying instructions that the Persian Government be notified of the withdrawal of the Commonwealth from the Commercial Agreement of 1920 ... 184
252 To the Governors-General Canada 248, Common- wealth of Australia 190 ... May 13	Transmits copies of a despatch from His Majesty's Minister at Tehran forwarding copy of a Note to the Persian Foreign Office notifying the withdrawal of Canada and the Commonwealth from the Agreement ... 184
253 To the Governors-General Canada 493, Common- wealth of Australia 356 ... October 10	Transmits copies of a despatch from Tehran forwarding copies of Notes from and to the Persian Government discussing the right of the Canadian and Common- wealth Governments to withdraw from the Agree- ment ... 185

PHYTOPATHOLOGY.

Draft International Convention.

1922	
254 To Foreign Office March 7	Suggests certain amendments to the draft Phytopatho- logy Convention so as to make suitable provision for the self-governing Dominions ... 186
255 Foreign Office March 28	Points out that concurrence of Powers taking part in drafting Convention would be necessary and a new conference would have to be summoned before amendments proposed in No. 254 could be intro- duced; explains difficulty of so doing ... 188

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
256 To Foreign Office April 7	Agrees in view of No. 255 that no action is necessary 188
257 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Dominions 150 ... May 13	Transmits copies of correspondence with the Italian Ambassador regarding the ratification of the Con- vention 188

POLAND.

Proposed Commercial Treaty—Most-favoured-nation Clause.

1922	
258 Board of Trade July 11	Transmits, with reference to the proposed Commercial Treaty with Poland, copy of a letter to Foreign Office containing the Board's counter-proposals re- garding the Colonial Article 190
259 To Board of Trade, Extract August 31	Submits, with reference to No. 258, an alternative suggestion 191
260 Board of Trade September 2	Requests views on the Polish proposal that any part of the Empire notified as giving most-favoured-nation treatment shall be regarded as definitely committed to that course for the remainder of the current year 192
261 To Board of Trade, Extract September 9	Considers withdrawal of most-favoured-nation clause of the Colonial Article preferable to adoption of the Polish Government's proposal 198

PROPERTY RIGHTS AND INTERESTS.

Agreement under Article 297 Treaty of Peace with Germany.

1922	
262 To the Governors-General Commonwealth of Aus- tralia 441, Union of South Africa 337 December 7	Inquires views of Ministers on the suggestion of the German Government that the Agreement be extended to include the self-governing Dominions ... 193

RUSSIA.

Trade Agreement.

1922	
263 The Governor-General Canada 755 December 31, 1921 (Rec. Jan. 14)	Transmits Privy Council Minute stating that the formula suggested in the Secretary of State's despatch of 15th October, 1921, is approved ... 194
264 To the Governor-General Canada 85 February 16	Transmits copies of Notes to the Russian Trade Dele- gation regarding the participation of Canada in the arrangement for the resumption of trade with Russia 195
265 To the Governor-General Canada 261 May 24	Transmits, with reference to No. 264, copy of further correspondence with Russian Trade Delegation relat- ing to admission of Canada to Russian Trade Agree- ment, and requests Ministers' views as to Canadian representation 196

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
266 The Deputy Governor- General Canada 355 June 21 (Rec. July 3)	States, with reference to No. 265, that Minister of Trade is of opinion that all future negotiations be- tween Canada and the Russian Government or the Russian Trade Delegation should be conducted through the Foreign or Colonial Office, and submits name of Mr. Wilgress for appointment as Canadian Trade Representative in Russia 197
267 To the Governor-General Canada 364 July 24	Transmits copies of Notes between Foreign Office and the Russian Trade Delegation, wherein it is agreed that the agreement shall apply to Canada as from 3rd July, 1922 197
268 To the Governor-General Canada 446 September 18	Transmits copy of a despatch from His Majesty's Representative at Moscow relative to the appoint- ment of Mr. L. D. Wilgress as Canadian Trade Representative in Russia 198
269 The Deputy Governor- General Canada 533 September 30 (Rec. Oct. 11)	States, in reply to No. 268, that the appointment of Mr. L. D. Wilgress will be deferred, as it is under- stood that all buying for Russia is being done through the Russian Trade Delegation in London ... 199

SIAM.

Revision of Commercial Treaties.

Restriction on Immigration.

1922	
270 The Governor-General Commonwealth of Aus- tralia, Telegram January 18 (Rec. Jan. 13)	States that the Commonwealth Government desires that provision be made for the modification of Article 1 of the Commercial Treaty with Siam so as to safe- guard the right of the Commonwealth to enforce its own immigration laws 199
271 Foreign Office February 8	Submits observations upon request in No. 270, and states that correspondence is being sent to Bangkok for views of His Majesty's Minister 200
272 The Governor-General Commonwealth of Aus- tralia, Telegram, Confi- dential June 30 (Rec. June 30)	States that draft Commercial Treaty with Siam con- tains nothing to which the Commonwealth Govern- ment desires to take exception; but reiterates request that provision be made to safeguard Commonwealth immigration rights 200
273 Foreign Office September 14	Transmits copy of letter to Board of Trade submitting revised draft of proposed Treaty and enclosing despatch from His Majesty's Minister at Bangkok respecting a provision to safeguard Australian immi- gration rights, and inquires as to the accuracy of schedule of earlier treaties appended to the new draft 201
274 To Foreign Office, Extract November 15	Submits, with reference to No. 273, alternative sugges- tions for the revision of the proposed Treaty ... 203
275 To the Governor-General Commonwealth of Aus- tralia, Confidential November 15	Transmits copy of despatch from His Majesty's Min- ister at Bangkok stating that the Siamese Govern- ment would not agree to any provision to exclude Siamese from Australia 204

Serial No., From or to whom,
Despatch No., &c., and Date.

Subject and Page No.

SPAIN.

Commercial Treaty, 1922.

1922

- 276 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 337 ... September 4 Transmits copies of correspondence with the Spanish Government containing decision that British imports will benefit under the most-favoured-nation clause of the Commercial Agreement of 1894 by the reductions granted to French and Swiss goods by the recent treaties between Spain and France and Switzerland ... 205
- 277 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... September 25 Suggests, with reference to the proposed Commercial Treaty with Spain, an exchange of Notes guaranteeing for produce or manufacture of the Dominions or Colonies rates in the Second Schedule of the Spanish Tariff in return for most-favoured-nation treatment for Spanish goods, the arrangement to be subject to termination at six months' notice ... 206
- 278 The Governor-General Canada, Telegram ... October 3 (Rec. Oct. 4) States that Mr. Fielding, Finance Minister, who is at present attending League of Nations Meeting will discuss with His Majesty's Government the question raised in No. 277 ... 207
- 279 Mr. E. Marsh to Mr. W. S. Fielding October 11 Inquires what procedure is contemplated in connexion with the proposed negotiation of a Commercial Treaty between Canada and Spain ... 207
- 280 Mr. W. S. Fielding to Mr. E. Marsh October 12 States, in reply to No. 279, that negotiations do not appear to have gone beyond the inquiry stage; considers it will be necessary to have direct negotiations with Spanish Government ... 208
- 281 The Governor-General New Zealand, Telegram October 13 (Rec. Oct. 13) Concurs in course proposed in No. 277 ... 208
- 282 The Governor-General Union of South Africa, Telegram ... October 25 (Rec. Oct. 25) Ditto ... 208
- 283 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... November 3 Reports signature of Spanish Commercial Treaty with Protocol bringing it into force on 6th November, 1922, and indicates temporary concessions to the Dominions and Colonies made by the Spanish Government; states that efforts are being made to secure the arrangement outlined in No. 277 ... 209
- 284 Mr. E. Marsh to Mr. W. S. Fielding November 6 Transmits copy of Note to Spanish Ambassador asking that action in connexion with the proposed Treaty between Canada and Spain may be deferred, and copy of No. 283 ... 209
- 285 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 415 ... December 6 Transmits text and schedules of the Anglo-Spanish Commercial Treaty ... 210
- 286 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 416 ... December 6 Transmits, with reference to the Treaty, copies of Notes exchanged between His Majesty's Ambassador at Madrid and the Spanish Minister for Foreign Affairs respecting the position of the Irish Free State and of the Dominions and Colonies and India, and the importation of coal ... 210

Serial No., From or to whom,
Despatch No., &c., and Date.

Subject and Page No.

1922

- 287 To the Governor Newfoundland 180 ... December 9 Transmits copies of Notes exchanged between His Majesty's Chargé d'Affaires at Madrid and the Spanish Minister for Foreign Affairs relative to the adhesion of Newfoundland to the Anglo-Spanish Commercial Treaty ... 213
- 288 Mr. E. Marsh to Mr. W. S. Fielding December 11 Transmits copy of Note to Spanish Ambassador as to the general lines on which a commercial agreement between Canada and Spain might be concluded and copy of reply thereto ... 215
- 289 To the Governor Newfoundland 182 December 11 Transmits copy of a despatch to His Majesty's Chargé d'Affaires at Madrid requesting him to make formal application for the extension to those parts of the British Empire to which the Anglo-Spanish Commercial Treaty applies of the tariff concession recently granted by Spain to Norway ... 216

TERRITORIAL WATERS.

(1) Italy: Visits of Foreign Warships.

1922

- 290 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 405, Confidential ... November 27 Transmits translation of Article 3 of Italian Royal Decree of the 28th May, 1922, promulgating new regulations for visits of foreign war vessels to Italian ports and territorial waters, and states that Italian Government have been informed that His Majesty's Government can only recognize Decree's validity in so far as it does not infringe the undoubted rights of His Majesty's Government in international law... 217

(2) Morocco:—Limitation for Fishery Purposes.

1922

- 291 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 328, Confidential ... August 31 Transmits copy of a despatch from His Majesty's Consul-General at Tangier, and of a despatch to His Majesty's Chargé d'Affaires, Paris, together with a copy of a "Dahir" regulating fishing off the coasts of French Morocco ... 218

(3) Norway:—Limitation for Customs Purposes.

1922

- 292 Foreign Office January 21 Transmits despatch to Christiania giving a general review of the position as regards United Kingdom and Oversea legislation concerning territorial waters, and the attitude to be taken towards the Norwegian Government ... 219
- 293 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 140, Confidential ... May 6 States that the Customs Acts involve no claim to jurisdiction over foreign vessels outside the three-mile limit, and gives views of Board of Customs and Excise on sections of the Acts ... 221
- 294 To the Governor-General New Zealand, Confidential ... May 6 Suggests Ministers may like to compare account of position as set forth in No. 293 in relation to their own Customs Act, No. 63 of 1913 ... 223

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
295 The Governor-General Union of South Africa, Confidential (2) ... June 22 (Rec. July 11)	Transmits Minister's Minute stating that the Union Government's interest in Norwegian Government's attitude is purely academic, but Ministers advise strenuous opposition to any proposal to extend territorial waters beyond one marine league in any similar question which might affect Union interests... 223
296 The Governor-General New Zealand, Confidential 2 ... August 5 (Rec. Sept. 20)	States that New Zealand Government will take the first opportunity of amending Customs Act No. 63, so as to restrict the powers of the Customs Department to the search of vessels only when within the territorial limits of the Dominion ... 224
(4) Norway:—Use of Wireless Apparatus.	
1922	
297 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 429, Confidential ... December 21	Transmits copy of a translation of a Norwegian Government Resolution sanctioning certain regulations relative to the use of wireless on foreign ships within Norwegian territorial waters, and states that the Norwegian Government is being informed that the Resolution can only be recognized in so far as it does not conflict with international law ... 224
(5) Russia:—Seizure of British Trawlers off Murmansk Coast.	
1922	
298 To the Governor-General Canada, Confidential April 24	Transmits two telegrams to Moscow, conveying instructions re the action to be taken in connexion with the arrest of the trawlers "St. Hubert" and "Magenta," and asks for views of Ministers on questions involved ... 226
299 The Governor-General Canada, Confidential June 27 (Rec. July 6)	Transmits letter stating that Minister of Justice is of opinion that it was not the intention of the Canadian Government to offer any observations on the policy of His Majesty's Government so long as any admission or statement affecting the delimitation of territorial waters contiguous to Canada's coast is not involved ... 227
(6) United States:—Seizure of Vessels outside the Three-Mile Limit.	
1922	
300 To the Governor-General Canada, Confidential October 18	Encloses, in connexion with seizure of British ships outside three-mile limit, telegram from His Majesty's Ambassador at Washington containing substance of certain sections of the United States Tariff Act extending for Customs purposes limit of territorial waters to four leagues, and an extract from a further telegram stating that prohibition officers will, in future, be enjoined to use more judgment regarding the searching of ships beyond the three-mile limit 228
301 To the Governors-General and Governor Commonwealth of Australia, New Zealand, Confidential, Union of South Africa, Confidential 2, Newfoundland, Confidential ... October 18	Transmits certain communications regarding the seizure of British ships outside the three-mile limit by the United States and Soviet Governments ... 229

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
TURKEY.	
(1) Proposed Modification of Treaty of Sèvres.	
1922	
302 The Governor-General New Zealand, Telegram April 18 (Rec. April 18)	Communicates views of Prime Minister on future of the Gallipoli Peninsula, and requests early information of His Majesty's Government's intentions ... 230
303 To the Governor-General New Zealand, Telegram April 29	States, in reply to No. 302, that the proposals for the settlement of the Near East problem do not involve any departure from the provisions of the Treaty of Sèvres as regards war graves, or Greek sovereignty over Gallipoli Peninsula ... 231
(2) Near East Crisis:—September-October, 1922.	
1922	
304 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram, Secret September 15	Transmits message for Prime Minister from Prime Minister notifying decision by Cabinet to resist Turkish aggression upon Europe and to secure firmly the Gallipoli Peninsula; inquires whether Dominion Governments wish to associate themselves with the decision, and whether they desire to be represented by contingents ... 231
305 The Governor-General New Zealand, Telegram September 16 (Rec. Sept. 16)	Transmits, in reply to No. 304, message from the Prime Minister for the Prime Minister stating that the New Zealand Government wish to associate themselves with the action which is being taken and will send contingent ... 232
306 To the Governor-General Union of South Africa, Telegram, Urgent and Secret ... September 17	Transmits message for General Smuts explaining, with reference to No. 304, that any response that the Union could make would be helpful from the point of view of Imperial solidarity ... 232
307 To the Acting-Governor Newfoundland, Telegram, Secret and Urgent September 17	Transmits message for the Acting Prime Minister explaining, with reference to No. 304, that any response that Newfoundland could make would be appreciated as an illustration of Imperial solidarity... 233
308 The Governor-General Canada, Telegram, Secret September 17 (Rec. Sept. 18)	Transmits, with reference to No. 304, message from the Prime Minister for the Prime Minister explaining that Press messages were received before official communication, and inquiring whether the latter is for publication ... 233
309 To the Governor-General Canada, Telegram, Secret and Personal September 18	Transmits message for the Prime Minister stating, in reply to No. 308, that a message for publication will be forwarded, and explaining that any statement of Canadian Government which would contribute towards Imperial solidarity would be of value ... 234
310 To the Governor-General Canada, Telegram, Secret and Personal September 18	Transmits for publication message for the Prime Minister setting forth the arrangements made for the defence of the neutral zone against the Turkish forces ... 234
311 To the Governors-General Commonwealth of Australia, New Zealand, Telegram ... September 18	Transmits message from the Prime Minister for the Prime Minister acknowledging the prompt response to inquiry in No. 304 ... 235
312 The Acting-Governor Newfoundland, Telegram September 18 (Rec. Sept. 18)	Transmits, in reply to No. 304, message from the Acting Prime Minister expressing the opinion that Newfoundland will be ready to render all available assistance ... 235

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
813 The Governor-General Canada, Telegram, Secret September 18 (Rec. Sept. 19)	Transmits, in reply to No. 304, message for the Prime Minister from the Prime Minister expressing the view that Parliamentary sanction would be a necessary preliminary to the despatch of troops ... 236
814 The Governor-General New Zealand, Telegram September 19 (Rec. Sept. 19)	Transmits message from Prime Minister for Prime Minister asking for information as to despatch and composition of a small advance contingent and of reinforcements ... 236
815 To the Acting Governor Newfoundland, Telegram September 19	Transmits message for the Prime Minister from the Prime Minister acknowledging Newfoundland's prompt response to inquiry in No. 304 ... 236
816 To the Governor-General Canada, Telegram September 19	Transmits message for the Prime Minister from the Prime Minister explaining, with reference to No. 313, that a definite statement in support of the policy of the Imperial Government would meet present requirements ... 237
817 To the Governors-General and Acting Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... September 20	Transmits for personal information message from the Prime Minister containing a review of the position in the Near East to date ... 237
818 The Governor-General Commonwealth of Australia, Telegram September 20 (Rec. Sept. 20)	Transmits message from Prime Minister in which a grave view is taken of the fact that the decision to go to war if necessary was arrived at without consulting the Commonwealth, and demanding that the League of Nations should actively participate; requests information regarding policy of Allies in the Near East ... 238
819 The Governor-General New Zealand, Telegram September 20 (Rec. Sept. 20)	Reports that unanimous resolution has been passed by the House of Representatives endorsing the action of the Government communicated in No. 305, and requests that review of general situation be sent from time to time ... 241
820 The Governor-General Canada, Telegram September 19 (Rec. Sept. 20)	Acknowledges Nos. 309 and 310 and states that daily Cabinet sittings have been arranged ... 241
821 To the Governor-General Commonwealth of Australia, Telegram, Private and Personal ... September 20	Transmits message for the Prime Minister explaining the circumstances which led to the prompt action of His Majesty's Government with regard to the Near East situation ... 241
822 The Governor-General Canada, Telegram, Secret September 20 (Rec. Sept. 21)	Transmits message for the Prime Minister from the Prime Minister conveying the assurance that should action become necessary, Canada will fulfil her duty to the Empire ... 242
823 To the Governor-General Commonwealth of Australia, Telegram, Secret September 21	Transmits message for the Prime Minister from the Prime Minister replying to certain points raised in No. 318 ... 243
824 To the Governor-General New Zealand, Telegram September 21	Transmits message for the Prime Minister giving information requested in No. 314 ... 244
825 The Governor-General New Zealand, Telegram September 22 (Rec. Sept. 22)	States that preparations are being made to carry out suggestion in No. 324 ... 245
826 The Governor-General New Zealand, Telegram September 22 (Rec. Sept. 22)	Inquires as to the proposed ports of disembarkation for New Zealand troops, and whether horses can be supplied by His Majesty's Government ... 245

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
827 The Governor-General New Zealand, Telegram September 22 (Rec. Sept. 22)	States that 12,000 officers and other ranks and 300 nurses have volunteered for service, though no call has been issued ... 245
828 The Governor-General New Zealand, Telegram September 23 (Rec. Sept. 23)	Inquires, with reference to No. 326, whether His Majesty's Government could supply sufficient horses for an advance battalion, failing the whole number required for a brigade ... 245
829 The Governor-General Commonwealth of Australia, Telegram, Personal and Private ... September 23 (Rec. Sept. 23)	Reports that his Prime Minister has been greatly reassured by recent communications ... 246
830 To the Governor-General Commonwealth of Australia, Telegram, Secret September 23	Transmits message from the Prime Minister to the Prime Minister giving information regarding the Near East policy of the Allies ... 246
831 To the Governor-General New Zealand, Telegram September 23	States, in reply to Nos. 326 and 328, that horses for one battalion will be provided by the Army Council ... 247
832 The Governor-General New Zealand, Telegram, Private and Personal September 25 (Rec. Sept. 25)	Expresses appreciation of accounts received on the situation in the Near East, and remarks that Mr. Massey fully realizes the efforts made by His Majesty's Government ... 247
833 The Governor-General Union of South Africa, Telegram ... September 25 (Rec. Sept. 25)	Transmits message for the Prime Minister from General Smuts expressing the view that military intervention in the Near East on the part of the Union would require Parliamentary sanction, and suggesting that the future regime in Eastern Europe should be placed under the League of Nations ... 247
834 The Governor-General New Zealand, Telegram, Private and Personal September 29 (Rec. Sept. 29)	Complains that official news is frequently received after Press messages and suggests desirability of sending frequent short summaries of the situation ... 248
835 To the Governor-General New Zealand, Telegram Private and Personal September 29	Explains, with reference to No. 334, the procedure adopted for the transmission of news ... 248
836 The Governor-General Commonwealth of Australia, Telegram, Secret and Personal ... September 30 (Rec. Sept. 30)	Reports that his Prime Minister has made statements in the House and Press with a view to strengthening the hands of the British Government ... 249
837 The Governor-General New Zealand, Telegram, Private and Personal September 30 (Rec. Sept. 30)	Expresses appreciation of the procedure for transmission of news set forth in No. 335 ... 249
838 The Governor-General Commonwealth of Australia, Telegram, Personal ... September 30 (Rec. Sept. 30)	Communicates statements referred to in No. 336 ... 249
839 The Governor-General Commonwealth of Australia, Telegram September 30 (Rec. Sept. 30)	Transmits message from his Prime Minister suggesting direct communication from the Foreign Office or Prime Minister during the present crisis ... 250

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
340 The Governor-General Commonwealth of Aus- tralia, Telegram, Secret and Personal ... September 30 (Rec. Sept. 30)	States, with reference to No. 339 that he has pointed out to his Prime Minister that the Press always anticipates Government communications, while since the receipt of No. 304 there has been no ground for complaint as regards statement of policy ... 250
341 To the Governors-General Commonwealth of Aus- tralia, New Zealand, Telegram ... September 30	Transmits message for the Prime Minister remarking on the procedure for the transmission of news and stating that no time would be saved by direct com- munication from the Prime Minister or Foreign Office ... 250
342 To the Governor-General Commonwealth of Aus- tralia, Telegram, Private and Personal ... October 1	Transmits message for his Prime Minister expressing appreciation of the helpful statements in No. 338 ... 251
343 The Governor-General New Zealand, Telegram October 2 (Rec. Oct. 2)	States, in reply to No. 341, that the present system for the transmission of news leaves nothing to be desired ... 251
344 The Governor-General New Zealand, Telegram, Secret ... October 5 (Rec. Oct. 5)	Explains, with reference to No. 325, that no action has been taken for the despatch of troops pending a public announcement ... 251
345 To the Governor-General New Zealand, Telegram, Secret ... October 5	Agrees, in reply to No. 344, that no immediate action is necessary ... 252
346 To the Governors-General Commonwealth of Aus- tralia, New Zealand, Telegram, Secret and Personal ... October 7	Transmits message for the Prime Minister stating that information has been received showing that the offer of Australian and New Zealand co-operation has proved a serious factor in Turkish calculations ... 252
347 To the Governors-General and Acting Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Telegram, Secret ... October 11	Transmits message for the Prime Minister containing a summary of the agreement with the Turks regard- ing the neutral zones and Eastern Thrace ... 252
348 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Telegram, Secret and Personal ... October 11	Transmits message for the Prime Minister expressing the hope that allowances will be made for any defects in procedure in the recent crisis in view of the emer- gency and of difficulties arising out of the lack of Allied support ... 253
349 The Governor-General Union of South Africa, Telegram, Secret and Personal ... October 13 (Rec. Oct. 13)	Transmits, with reference to No. 348, message from his Prime Minister expressing appreciation of the diffi- culties connected with the recent crisis and stating that he is prepared to defend the action of the Imperial Government ... 254
350 The Governor-General New Zealand, Telegram October 14 (Rec. Oct. 14)	States that his Prime Minister fully recognizes the difficulties referred to in No. 348 ... 254
351 The Governor-General Canada, Telegram, Secret and Personal ... October 18 (Rec. Oct. 18)	Transmits message from his Prime Minister stating that the Government have no desire but to relieve of future embarrassment the matter of defect of proce- dure referred to in No. 348 ... 254

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
352 To the Governors-General and Acting Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Telegram, Secret and Personal ... November 8	Transmits message for Prime Minister from Prime Minister stating that arrangements for transmission of news regarding the Near East have been resumed and every effort is being made to work in accord with Allied Governments ... 255
(3) Proposed Publication of Correspondence.	
1922	
353 The Governor-General Canada, Telegram ... October 18 (Rec. Oct. 18)	Transmits message from his Prime Minister requesting authority to lay all the correspondence with the Imperial Government on the Near East situation before Parliament when it reassembles in January, 1923 ... 255
354 To the Governor-General Canada, Telegram, Secret and Personal ... November 8	Transmits message for Prime Minister stating that a reply to Nos. 351 and 353 will be sent as soon as circumstances permit ... 256
(4) Lausanne Conference.	
1922	
355 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Telegram ... October 27	Transmits message for the Prime Minister setting forth the arrangements made for a Near East Peace Conference and stating that Dominion Governments will be invited to sign any treaties arising therefrom 256
356 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Telegram, Secret and Personal ... October 27	Transmits message for Prime Minister explaining the attitude of the French Government with regard to representation at the Near East Conference ... 257
357 The Governor-General Union of South Africa, Telegram ... October 31 (Rec. Oct. 31)	Transmits message from his Prime Minister raising the question whether the Dominions should be called on to become signatories to a treaty when they have had no part in its negotiation, and expressing views on the attitude of the French Government referred to in No. 356 ... 257
358 The Governor-General Canada, Telegram, Secret October 31 (Rec. Nov. 1)	Transmits message from his Prime Minister stating the opinion that the Canadian Parliament should decide the extent to which the proceedings of the Near East Conference and of the provisions of any treaty arising therefrom shall be held to bind Canada ... 258
359 The Governor-General Commonwealth of Aus- tralia, Telegram, Secret November 2 (Rec. Nov. 2)	Transmits message from his Prime Minister complain- ing that the Commonwealth is to have no represen- tation at the Conference, and urging the right of the Dominion Governments to consultation with regard to matters of foreign and Imperial policy ... 259
360 The Governor-General New Zealand, Telegram November 3 (Rec. Nov. 3)	Concurs in procedure proposed in No. 355 ... 260
361 To the Governors-General and Acting Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Telegram, Secret November 14	Transmits message for the Prime Minister communi- cating a memorandum on various points to be sub- mitted for discussion with the Allies with a view to establishing a basis of agreement on entering the Conference ... 260

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
862 To the Governor-General Canada, Telegram, Secret November 16	Transmits message from the Prime Minister for the Prime Minister stating, with reference to No. 358, that His Majesty's Government fully understand the desire of the Canadian Government to submit for approval of Canadian Parliament any Treaty with Turkey which may result from the Conference ... 262
363 To the Governor-General Commonwealth of Australia, Telegram, Secret November 16	Transmits message from the Prime Minister for the Prime Minister recognizing the force of the criticism in No. 359, and putting forward the circumstances which prevented the representation of the Dominions at the Conference ... 262
364 To the Governor-General Union of South Africa, Telegram, Secret November 16	Transmits message from the Prime Minister for the Prime Minister suggesting that as the French Government appear to have modified their views the matter referred to in No. 357 might be dropped, and explaining that as any treaty resulting from the Conference will replace the Sèvres Treaty it will be binding on the whole Empire ... 263
365 To the Governor-General New Zealand, Telegram, Secret November 16	Transmits message from the Prime Minister for the Prime Minister expressing appreciation of New Zealand Government's readiness to adopt procedure proposed in No. 355 ... 263
366 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram, Secret November 18	Transmits message for the Prime Minister summarizing the situation with regard to Egypt in connexion with the Conference ... 264
867 To the Governors-General and Acting Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Secret November 20	Transmits message for the Prime Minister summarizing the result of discussions on various points in the memorandum in No. 361 ... 264
368 The Governor-General Canada, Telegram, Secret November 25 (Rec. Nov. 25)	Transmits message from the Prime Minister stating in reply to No. 362 that message communicated in No. 358 appears to have been misinterpreted and explaining that it was meant to convey the opinion that the Canadian Parliament should decide the extent to which the proceedings of the Conference and of any treaty arising therefrom should be held to bind Canada; asking also for authority to publish all information received in this connexion ... 266
369 To the Governor-General Canada, Telegram, Secret December 8	Transmits, in reply to No. 368, message for Prime Minister amplifying No. 358, and stating that new Treaty resulting from Lausanne Conference will be binding to whole Empire; discusses question of necessity for submitting provisions of Treaty to both Parliaments and explaining why telegraphic correspondence regarding proceedings cannot be published ... 266
370 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Secret, Extract December 18	Notifies decision to offer for acceptance of Turkish Delegates a preliminary draft Treaty; adds that the Straits Convention will probably be presented at the same time ... 267

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
UNITED STATES.	
(1) Real and Personal Property Convention: Accession of Canada.	
1922	
371 The Governor-General Canada, 788 ... December 21, 1921. (Rec. Jan. 3, 1922)	Transmits copy of despatch to His Majesty's Ambassador at Washington enclosing copy of Privy Council Minute recommending that ratification of the Convention be proceeded with ... 268
872 To the Governor-General Canada, 102 ... March 1	Requests that the original text of the Convention providing for the accession of Canada to the Convention may be forwarded with a view to the preparation of the instrument of ratification ... 269
373 The Governor-General Canada, 173 ... March 27 (Rec. Apr. 10)	Transmits text of Convention ... 269
374 To the Governor-General Canada, 259 ... May 23	States that the King's ratification of the Convention has been forwarded to His Majesty's Ambassador at Washington ... 269
375 To the Governor-General Canada, 352 ... July 15	Reports the exchange of ratifications on 17th June, and states that the Convention will be published in the Treaty Series of Parliamentary Papers and communicated to the League of Nations secretariat ... 270
(2) Rush-Bagot Agreement, 1817: Proposed Revision.	
1922	
876 The Governor-General Canada, Telegram, Secret August 8 (Rec. Aug. 9)	Transmits message from his Prime Minister for Mr. Lloyd George setting out the position respecting naval forces on the Great Lakes and submitting draft of a treaty to supersede the Rush-Bagot Agreement of 1817 ... 270
377 To the Governor-General Canada, Telegram ... October 19	Transmits message from Mr. Lloyd George for the Prime Minister containing observations on the proposed draft Treaty ... 273
378 The Governor-General Canada, Secret November 23 (Rec. Dec. 4)	Transmits copy of a Privy Council Minute regarding the proposed New Treaty with the United States of America to regulate the naval forces on the Great Lakes ... 274
(3) Supplementary Extradition Convention.	
1922	
379 The Governor-General Canada, 741 ... December 21, 1921 (Rec. Jan. 3, 1922)	Transmits copy of Privy Council Minute concurring in signature of Convention in its amended form ... 277
380 To the Governor-General Canada, 211 ... April 22	Transmits copy of correspondence with the United States Ambassador regarding the signature of the new Supplementary Extradition Convention ... 277
381 To the Governor-General Canada, 277 ... May 29	Notifies, with reference to No. 380, signature of Convention on 15th May, and inquires whether Ministers concur in the preparation of His Majesty's ratification ... 278
382 The Governor-General Canada, 340 ... June 14 (Rec. June 26)	Points out that the concurrence of Ministers in the ratification of the Convention has already been notified ... 279

Serial No., From or to whom,
Despatch No., &c., and Date.

Subject and Page No.

VENEREAL DISEASE AMONG SEAMEN.

Proposed International Convention.

1922

- 383 The Governor-General
Union of South Africa,
51 ... February 14
(Rec. Mar. 7) Transmits copy of Ministers' Minute concurring in the principle of the proposed Convention, but, whilst offering to promote co-ordinate action, expresses inability to recommend that the Union should become a party to the Convention ... 279
- 384 The Governor-General
Canada, 179 ... March 28
(Rec. Apr. 15) Transmits copies of approved Minute of Privy Council intimating that Canadian Government approves principle of proposed Convention and desires to participate in it ... 280
- 385 The Governor-General
New Zealand, 91 ... April 7
(Rec. May 18) States that his Government would be glad to participate in Convention, and remarks that requirements of Convention have been anticipated ... 281
- 386 The Governor-General
Commonwealth of Australia,
284 ... July 12
(Rec. Aug. 21) Reports on action already taken in accord with terms of the proposed Convention, and the further action which the Commonwealth is prepared to take, but states that it is not considered desirable to adhere, in its entirety, to the text of the Convention ... 281

WASHINGTON CONFERENCE TREATIES.

Ratification of Treaties negotiated at Conference.

1922

- 387 To the Governors-General
Canada, Commonwealth
of Australia, New Zealand,
Union of South Africa, Telegram ... February 3 States that the Quadruple Pacific Treaty has now been signed and inquires whether Ministers agree to ratification by His Majesty as soon as United States has ratified ... 282
- 388 The Governor-General
Canada, Telegram ... February 8
(Rec. Feb. 8) States that his Prime Minister intends, before ratification by the Canadian Government, to submit to Parliament treaties concluded at Washington ... 282
- 389 To the Governors-General
Canada, Commonwealth
of Australia, New Zealand,
Union of South Africa, Telegram, Confidential ... February 11 Communicates text of operative clauses of supplementary agreement to the Quadruple Pacific Treaty relating to islands under the administration of Japan ... 282
- 390 The Governor-General
Union of South Africa,
Telegram (Extract) February 14
(Rec. Feb. 14) Transmits, with reference to No. 387, message from his Prime Minister requesting copies of both treaties as signed on behalf of the Union for laying before Parliament, and stating that when this has been done no difficulty is anticipated in securing Parliamentary concurrence in ratification ... 283
- 391 To the Governor-General
Union of South Africa,
Telegram (Extract) February 16 States, in reply to No. 390, that certified copies of the Supplementary Agreement of the 13th December and the main treaty already forwarded, and copies of Supplementary Agreement referred to in No. 389 will be forwarded as soon as possible ... 283
- 392 The Governor-General
Commonwealth of Australia, Telegram
(Rec. Feb. 18) States that Commonwealth Government agrees that ratification of Quadruple Pacific Treaty by His Majesty is desirable as soon as ratification by United States is assured ... 283
- 393 The Governor-General
Canada, Telegram February 18
(Rec. Feb. 18) Transmits message from Prime Minister for Mr. Lloyd George stating that the Washington Conference treaties are to be submitted for approval of Parliament before His Majesty is advised to ratify on behalf of Canada, and inquiring when it is proposed to take action in the United Kingdom and as to the view held concerning the advisability of awaiting the decision of the United States Senate ... 284

Serial No., From or to whom,
Despatch No., &c., and Date.

Subject and Page No.

1922

- 394 To the Governors-General
Canada, Commonwealth
of Australia, New Zealand,
Union of South Africa, Dominions Treaty
8 ... February 24 Transmits copy of correspondence relating to intention of the signatories to the Quadruple Pacific Treaty to respect the rights of the Netherlands in the Pacific... 284
- 395 The Governor-General
Union of South Africa,
Telegram ... February 24
(Rec. Feb. 24) Inquires when copies of Disarmament Treaty may be expected as Prime Minister is anxious to lay it and Pacific Treaty simultaneously ... 286
- 396 The Governor-General
Canada, Telegram ... March 7
(Rec. Mar. 7) Transmits message from the Prime Minister to Mr. Lloyd George asking for a reply to inquiries in No. 393 ... 286
- 397 To the Governors-General
and Governor
Commonwealth of Australia 112, New Zealand
46, Union of South Africa
84, Newfoundland 41 March 8 Transmits copies of Washington Conference Treaties as named, together with copies of the Supplementary Agreement to the Quadruple Pacific Treaty ... 286
- 398 To the Governor-General
Canada, Telegram ... March 15 States why early discussion of Washington treaties in Parliament is impossible ... 287
- 399 To the Governors-General
Canada, Commonwealth
of Australia, New Zealand,
Union of South Africa, Telegram ... March 31 States that legislation will be necessary to carry out obligations imposed by the Naval Treaty and that steps are being taken accordingly ... 287
- 400 To the Governors-General
Commonwealth of Australia, New Zealand,
Union of South Africa, Telegram ... March 31 Reports approval by United States Senate on 24th March of Quadruple Pacific Treaty subject to reservation indicated ... 287
- 401 To the Governors-General
Commonwealth of Australia, New Zealand,
Union of South Africa, Telegram ... March 21 States that copies of Naval and other treaties were forwarded in No. 397 ... 288
- 402 The Governor-General
Commonwealth of Australia, Telegram ... (Rec. Apr. 4) With reference to No. 392, requests that titles and dates of any agreement or treaty supplementary to Quadruple Pacific Treaty, necessary for reference when request for ratification is made, may be telegraphed ... 288
- 403 To the Governors-General
Commonwealth of Australia, New Zealand,
Union of South Africa, Telegram ... April 5 Reports approval by United States Senate of supplement to Four Power Treaty regarding insular possessions and dominions, Naval Treaty, Poisonous Gas and Submarine Treaty, Nine Power China Treaty, and Chinese Tariff Treaty ... 288
- 404 To the Governor-General
Commonwealth of Australia, Telegram ... May 2 Refers to No. 402 and gives proposed division of Treaties; each group to be covered by single instrument of ratification ... 289
- 405 To the Governor-General
Commonwealth of Australia, Telegram ... May 10 States that ratification of all Treaties signed at Washington will probably have to be deferred; asks whether Ministers concur in ratification when time comes ... 289
- 406 To the Governors-General
Canada, New Zealand,
Union of South Africa, Telegram ... May 10 States that ratification of Treaties will probably have to be deferred, and asks whether Ministers concur in ratification when time comes; states proposed division of Treaties ... 289
- 407 The Governor-General
New Zealand, Telegram May 18
(Rec. May 18) States that New Zealand Government concurs in ratification of all Treaties signed at Washington ... 290

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
408 The Governor-General Union of South Africa, Telegram ... June 1 (Rec. June 1)	States that Ministers intend bringing the Treaties before Parliament, and that motion in favour of ratification is on Order Paper of House of Assembly for 2nd June ... 290
409 The Governor-General Union of South Africa, Telegram ... June 3 (Rec. June 3)	States, with reference to No. 408, that motion not reached in House of Assembly ... 290
410 To the Governors-General Canada, Commonwealth of Australia, Telegram June 10	Requests early reply to Nos. 405 and 406, and states that it is proposed to introduce Naval Treaty Bill on 14th June ... 290
411 The Governor-General Commonwealth of Aus- tralia, Telegram ... June 12 (Rec. June 12)	States that Commonwealth Government proposes to concur in ratification of Washington Conference Treaties and will take necessary action when occasion arises ... 290
412 The Governor-General Canada, Telegram ... July 5 (Rec. July 6)	States that Order in Council ratifying Treaties specified was approved on 3rd July ... 291
418 To the Governor Newfoundland, Tele- gram ... July 15	States that Naval Treaty Bill has passed both Houses of Parliament ... 291
414 To the Governors-General Commonwealth of Aus- tralia, Union of South Africa, Telegram ... July 15	States that Naval Treaty Bill has passed both Houses of Parliament, and requests to know as soon as possible whether Ministers concur in ratification of all Treaties signed at Washington ... 291
415 To the Governors-General Commonwealth of Aus- tralia, Union of South Africa, Telegram, Con- fidential ... July 15	States that early ratification of Washington Treaties would cause United States Government great satis- faction, and states that it is reported that adverse comment is being caused in the United States by the delay ... 291
416 The Governor-General Union of South Africa, Telegram ... July 21 (Rec. July 21)	Reports that Treaties have been confirmed by Union Parliament and requests that they may be ratified on behalf of the Union ... 292
417 To the Governor-General Commonwealth of Aus- tralia, Telegram ... July 26	Inquires whether Commonwealth Government will concur in the ratification of the Treaties before the end of July, otherwise it will be provisionally excluded when sending in ratification ... 292
418 The Governor-General Commonwealth of Aus- tralia, Telegram ... (Rec. July 28)	Conveys message from Prime Minister stating that ratification is expected within a week ... 292
419 The Governor-General Commonwealth of Aus- tralia, Telegram ... August 3 (Rec. Aug. 3)	States that the Commonwealth Government concurs in the ratification of all treaties signed on its behalf at Washington ... 293
420 The Governor-General New Zealand, Tele- gram ... August 24 (Rec. Aug. 24)	Transmits resolution expressing assent of House of Representatives to ratification of Washington Treaties, and states that similar resolution will also be passed by the Legislative Council ... 293
421 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Dominions 310 ... August 26	Notifies despatch to United States Government of Instruments of Ratification of the Washington Con- ference treaties, agreement, and declaration; under- stands that similar action has been taken by the Japanese Government ... 293

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
422 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Dominions 342 ... September 9	States, with reference to No. 421, that the United States Government desires simultaneous deposit of ratifications by all the Powers ... 294
WOMEN AND CHILDREN, TRAFFIC IN. International Convention, 1921.	
1922	
423 To the Governor Newfoundland, 4 ... January 6	Transmits copy of a Note from the Secretary-General, League of Nations, forwarding copies of Women and Children Convention as signed; draws attention to the fact that, when signing, Mr. Balfour omitted Newfoundland; hopes Newfoundland will accept Convention ... 294
424 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Telegram ... January 21	Inquires whether Ministers desire that the Women and Children Convention, signed at the Second Assembly of League of Nations, should be ratified on their behalf ... 295
425 The Governor-General New Zealand, Tele- gram ... January 28 (Rec. Jan. 28)	States that his Government agrees to ratification of the Convention ... 295
426 The Governor-General Commonwealth of Aus- tralia, Telegram ... January 28 (Rec. Jan. 28)	States that his Government desires ratification of the Convention subject to reservation made by signatory for Australia ... 295
427 The Governor-General Canada, Telegram ... February 4 (Rec. Feb. 4)	States that his Government agrees to ratification of the Convention ... 295
428 The Governor-General Union of South Africa, Telegram ... April 6 (Rec. Apr. 6)	States that Ministers agree to ratification of the Con- vention on behalf of the Union subject to reservations on points named ... 296
429 The Governor Newfoundland, 60 ... April 19 (Rec. May 12)	States that Ministers accept terms of Convention and request that action be taken as suggested ... 296
430 To the Governor-General Union of South Africa, Telegram ... May 20	States that position in this country with regard to certain points raised in No. 428, is same as in Union, and proposes, as far as United Kingdom and other Dominions are concerned to ratify the Con- vention unreservedly; inquires if Ministers will agree to similar procedure in case of Union ... 297
431 To the Governor-General Union of South Africa, Telegram ... June 2	Asks for early reply to No. 430 ... 297
432 The Governor-General Union of South Africa, Telegram ... June 6 (Rec. June 7)	States that Ministers agree to ratification of Convention without reservation ... 297

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
433 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Dominions Treaty 26 July 10	Transmits copy of His Majesty's Ratification of the Convention 298
434 To the Governor Newfoundland, 97 ... July 10	Transmits copy of His Majesty's Ratification of the Convention and states that steps will be taken to notify adhesion on behalf of Newfoundland ... 298

INTERNATIONAL ARRANGEMENTS AND TREATY RELATIONS. POSITION OF THE SELF-GOVERNING DOMINIONS.

231

24

CORRESPONDENCE

1922.

AALAND ISLANDS NEUTRALITY CONVENTION.

(Treaty Series, 1922, No. 6.)

867

No. 1.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.53 p.m., 6th January, 1922.)

TELEGRAM.

6TH JANUARY. Your telegram 5th December,* Aaland Islands Convention. Government of Commonwealth of Australia agrees to ratification.—GOVERNOR-GENERAL.

907

No. 2.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.8 p.m., 7th January, 1922.)

TELEGRAM.

[Answered by No. 3.]

7TH JANUARY. My telegram 5th December,* my telegram 21st December,† Aaland Islands. Secretary of State for Foreign Affairs most anxious for reply, as remaining signatories of Convention have already ratified, and matter comes before Council, League of Nations, 10th January. Commonwealth of Australia, New Zealand, and Union of South Africa agree to ratification.—SECRETARY OF STATE FOR THE COLONIES.

2217

No. 3.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.50 p.m., 13th January, 1922.)

TELEGRAM.

13TH JANUARY. Your telegram of 7th January and your telegram of 5th December.‡ Government of Canada has no objection to ratification of Convention respecting non-fortification and neutralization of Aaland Islands. Despatch§ follows by mail.—BYNG.

* No. 1 in Dominions No. 81. † 59980: reminder; not printed. ‡ No. 2 in this section and No. 1 in Dominions No. 81. § 5604: not printed; it confirmed this telegram.

AERIAL NAVIGATION CONVENTION, 1919.
(Treaty Series, 1922, Nos. 2 and 11.)

(1) Ratification of Convention.

949

No. 4.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.50 a.m., 7th January, 1922.)

TELEGRAM.

7TH JANUARY. Your telegram 24th December,* Air Convention. My
Ministers agree to signature of declaration in amended form.—JELlicoe.

1965

No. 5.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.52 p.m., 12th January, 1922.)

TELEGRAM.

12TH JANUARY. Your telegram 24th December,* ratification of International
Air Navigation Convention. Government of Commonwealth of Australia has no
objection to text of declaration as redrafted for submission to Government of France.
—GOVERNOR-GENERAL.

3138

No. 6.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.55 p.m., 19th January, 1922.)

TELEGRAM.

18TH JANUARY. Your telegram 24th December,* Air Convention. Ministers
see no objection to clause as drawn up by Air Council.—ARTHUR FREDERICK.

3138

No. 7.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.50 p.m., 21st January, 1922.)

21ST JANUARY. Your telegram 20th December,† Air Convention. Govern-
ments of Commonwealth of Australia, New Zealand, and Union of South Africa
have now agreed to terms of proposed declaration.—SECRETARY OF STATE FOR THE
COLONIES.

* No. 37 in Dominions No. 81. † No. 36 in Dominions No. 81.

20192

No. 8.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa.	} Dominions Treaty No. 15.)

[MY LORD.] [SIR.]

Downing Street, 9th May, 1922.

WITH reference to [To Canada: Your Excellency's despatch No. 739 of the
21st December, 1921,*] [To Commonwealth of Australia, New Zealand, and Union
of South Africa: My telegram of the 24th December, 1921†] I have the honour to
transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information
of your Ministers, a copy of a despatch to His Majesty's Ambassador at Paris
regarding the communication to the French Government of the revised declaration
respecting Article 5 of the International Air Convention.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 8.

(No. 1191.)

SIR,

Foreign Office, S.W.1., 25th April, 1922.

WITH reference to Lord Hardinge's despatch No. 2480 of 2nd September last,
I transmit to you herewith a copy of correspondence between this department, the
Air Ministry and the Colonial Office, relative to the ratification of the International
Air Convention.

2. As you will see from paragraph 7 of the Air Ministry's letter of 6th March
last the French form of declaration designed to replace the reservation in regard to
Article 5, whilst at the same time fulfilling the object of the Canadian reservation
was not acceptable to His Majesty's Government, and after consultation with the
Dominion Governments it has now been recast in the following form:—

"The undersigned, the representatives of Belgium, the British Empire,
France, Greece, Japan, Portugal, the Serb-Croat-Slovene State and Siam,
duly authorized, have declared that until there has been an opportunity to
obtain the grant of derogations under the additional Protocol to the Con-
vention their respective Governments may postpone the application of the
provisions of Article 5 of the Convention in respect of the Signatory States
which have not yet ratified, and in respect of Spain, Switzerland, Norway,
Sweden, the Netherlands, Denmark, Finland, Esthonia, Latvia and Monaco."

3. The position of Ireland in connexion with ratification of the Convention is
at present under consideration, but it is generally agreed that there is no occasion
to defer communication to the French Government of the revised form of
declaration.

4. I accordingly request that you will submit the above text to the French
Government with the view of obtaining their concurrence, and, through them, that
of the other signatory Powers participating in the first deposit of ratifications.

I am, &c.,

(for the Secretary of State)

R. H. CAMPBELL.

Sir Milne Cheetham, K.C.M.G.,

&c., &c., &c.

* 363: not printed; it confirmed No. 36 in Dominions No. 81. † No. 37 in Dominions No. 81.

27506

No. 9.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 84.)

SIR,

Downing Street, 16th June, 1922.

In my despatch Dominions No. 210, of the 21st May, 1921,* I had the honour to transmit to you a copy of a note addressed to the French Minister for Foreign Affairs regarding the ratification of the International Air Convention and Protocol. It will be seen from the Minister's reply, a copy of which was enclosed in that despatch, that the French Government proposed to submit to the other Governments concerned the two reservations subject to which His Majesty's ratification was to be deposited.

2. In August, 1921, the French Government intimated that the Government of Japan had objected to the use of the word "reservation"; the French Government concurred in this objection and proposed to substitute, for the first of the reservations referred to above, a "declaration" in similar terms, of which they suggested the text. The French Government also raised objection to any specific reservation or stipulation regarding the position of Canada in relation to the United States.

3. After discussion a declaration recast in the following form was submitted to the French Government. [*The declaration is printed in enclosure in No. 8.*]

4. To this declaration the French Government agreed, subject to the addition of Bolivia to the list of signatory States, and His Majesty's Ambassador at Paris accordingly deposited His Majesty's ratification of the Convention and Protocol on the 1st June and signed the Protocol of deposit of ratifications.

I have, &c.,

WINSTON S. CHURCHILL.

27506

No. 10.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

Dominions Treaty No. 25.)

[MY LORD,] [SIR,]

Downing Street, 16th June, 1922.

WITH reference to my despatch Dominions Treaty No. 15, of the 9th May,† I have the honour to transmit to [Your Excellency] [Your Royal Highness,] for the information of your Ministers, copies of correspondence with His Majesty's Ambassador at Paris regarding the deposit of His Majesty's ratification of the International Air Convention and Protocol.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 10.

British Embassy, Paris, 19th May, 1922.

His Majesty's Ambassador at Paris presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit herewith copy of a Note from the Ministry for Foreign Affairs on the subject of the revised declaration relative to the ratification of the International Air Convention.

Reference to previous paper: From Foreign Office despatch No. 1191, of 25th April, 1922.‡

* No. 19 in Dominions No. 81.

† No. 8.

‡ Enclosure in No. 8.

Direction des Affaires
Administrative and Technique.
Sous-Direction
des Affaires Administratives and
des Unions Internationales.

République Française, Ministère des Affaires étrangères,

MONSIEUR LE CHARGÉ D'AFFAIRES,

Paris, le 18 mai, 1922.

PAR lettre en date du 27 avril dernier, vous avez bien voulu me faire savoir que le Gouvernement britannique suggère que la déclaration proposée par mon prédécesseur dans sa communication du 31 août 1921,* relative à la ratification de la Convention aérienne internationale, soit remplacée par un texte qui, en français, serait le suivant.

"Les soussignés, Représentants de la Belgique, l'Empire Britannique, la France, la Grèce, le Japon, le Portugal, l'Etat Serbe-Croate-Slovène et le Siam, dûment autorisés ont déclaré que leurs Gouvernements respectifs pourront différer en ce qui concerne les Etats signataires qui n'ont pas encore déposé leurs ratifications, ainsi que l'Espagne, la Suisse, la Norvège, la Suède, les Pays-Bas, le Danemark, la Finlande, l'Esthonie, la Lettonie et Monaco, l'application des dispositions de l'article 5 de la Convention, jusqu'à ce qu'il soit possible d'accorder les dérogations prévues au Protocole additionnel à ladite Convention."

Je donne mon entière approbation à cette formule, en indiquant seulement qu'il y aura lieu d'ajouter la Bolivie à la liste des signataires de cette déclaration, puisque le Gouvernement bolivien m'a notifié qu'il était en mesure de participer au premier dépôt des ratifications sur la Convention.

Je crois devoir vous signaler, en outre, qu'il y aurait sans doute intérêt, pour les Etats au regard desquels la Convention sera en vigueur, à connaître dans quelle mesure certain d'entre eux auront usé de la faculté prévue dans cette déclaration. Il serait donc utile qu'une centralisation de ces divers renseignements eut lieu; ce sera naturellement par les soins de la Commission internationale de navigation aérienne dès son institution, mais en attendant le Gouvernement français, chargé des diverses notifications relatives à la Convention, pourrait recevoir et notifier ces diverses communications.

La formule suivante pourrait en conséquence être ajoutée à la déclaration ci-dessus:

"Les décisions prises par lesdits Gouvernements, quant à la faculté ci-dessus de différer l'application des dispositions de l'article 5 en ce qui concerne les Etats énumérés, seront notifiées au Gouvernement de la République française, qui en informera les divers Etats contractants."

"Dès que la Commission internationale de navigation aérienne sera instituée, ces notifications seront adressées à ladite Commission qui en avisera les Etats contractants."

L'attention des Etats qui effectueront le dépôt de leurs ratifications avant l'institution de la Commission internationale de navigation aérienne sera attirée, au moment de ce dépôt, sur utilité de faire une déclaration semblable à celle formulée plus haut.

Je considère enfin, d'accord avec le Gouvernement britannique, qu'il est très désirable que la Convention aérienne entre en vigueur à une date aussi rapprochée que possible et je propose de fixer au 1er juin la date du premier dépôt des ratifications. Je vais en aviser sans retard les Gouvernements belge, bolivien, grec, japonais, portugais, serbe-croate-slovène et siamois.

Je vous communique dès à présent le projet de procès-verbal du dépôt des ratifications; je vais également l'adresser aux autres Etats à même de participer à ce dépôt.

Cette Convention entrera en vigueur, conformément aux clauses finales, quarante jours après ce premier dépôt pour tous les Etats y ayant participé.

Dès ce premier dépôt, la Convention se trouvera ratifiée par la majorité des Etats signataires, dans le sens de l'article 34 de la Convention. Le Gouvernement français pourrait donc convoquer à Paris, conformément aux termes dudit article, la première réunion de la Commission internationale de navigation aérienne, pour une date qui suivra d'aussi près que possible la mise en vigueur de la Convention.

Agréez, &c.,

MAURICE HERBETTE.

Sir Milne Cheetham,

Chargé d'Affaires de Grande Bretagne à Paris.

* Enclosure 2 in No. 29 in Dominions No. 81.

PROCÈS-VERBAL DU DÉPÔT DES RATIFICATIONS SUR LA CONVENTION PORTANT
RÈGLEMENTATION DE LA NAVIGATION AÉRIENNE EN DATE À PARIS DU 13
OCTOBRE, 1919, ET SUR LE PROTOCOLE ADDITIONNEL À LADITE CONVENTION EN
DATE À PARIS DU 1^{er} MAI 1920.

EN exécution des clauses finales de la Convention portant réglementation de la navigation aérienne, en date à Paris du 13 Octobre 1919, signé par les Etats-Unis, la Belgique, la Bolivie, le Brésil, l'Empire Britannique et le Canada, l'Australie, l'Union Sud-Africaine, la Nouvelle-Zélande, l'Inde, la Chine, Cuba, l'Equateur, la France, la Grèce, le Guatemala, l'Italie, le Japon, Panama, la Pologne, le Portugal, la Roumanie, l'Etat-Serbe-Croate-Slovene, le Siam, l'Etat tchéco-Slovaque et l'Uruguay, et à laquelle ont accédé le Pérou par déclaration en date à Paris du 22 juin 1920, le Nicaragua par déclaration en date à Paris (du 31 décembre 1920 et le Libéria par déclaration en date à Paris) du 29 mars 1922, les soussignés se sont réunis au Ministère des Affaires étrangères à Paris, pour procéder au dépôt des ratifications sur ladite convention et les remettre au Gouvernement de la République française.

Les instruments des ratifications de la Belgique, la Bolivie, l'Empire Britannique, la France, la Grèce, le Japon, le Portugal, l'Etat Serbe-Croate-Slovene, le Siam ont été produits et ayant été, après examen, trouvés en bonne et due forme, ont été confiés au Gouvernement de la République française pour rester déposés dans ses archives.

Les soussignés Représentants de la Belgique, la Bolivie, l'Empire Britannique, la France, la Grèce, le Japon, le Portugal, l'Etat Serbe-Croate-Slovene et le Siam dûment autorisés, ont déclaré que leurs Gouvernements respectifs pourront différer en ce qui concerne les Etats signataires qui n'ont pas encore déposé leurs ratifications, ainsi que l'Espagne, la Suisse, la Norvège, la Suède, les Pays-Bas, le Danemark, la Finlande, l'Esthonie, la Lettonie, et Monaco, l'application des dispositions de l'article 5 de la Convention, jusqu'à ce qu'il soit possible d'accorder les dérogations prévues au Protocole additionnel à ladite Convention. Les décisions prises par lesdits Gouvernements quant à la faculté ci-dessus de différer l'application des dispositions de l'article en ce qui concerne les Etats énumérés, seront notifiées au Gouvernement de la République française qui en informera les divers Etats contractants. Dès que la Commission internationale de navigation aérienne sera instituée, ces notifications seront adressées à ladite Commission qui en avisera les Etats contractants.

Conformément aux clauses finales de la Convention, le Gouvernement français donnera connaissance à tous les Etats contractants des dépôts de ratifications qui seront ultérieurement effectués.

Une copie certifiée conforme du présent procès-verbal sera communiquée, par le Gouvernement français, à tous les Etats signataires.

En foi de quoi les soussignés ont signé le présent procès-verbal.

Fait à Paris, le 1922.

Enclosure 2 in No. 10.

(No. 1597.)

MY LORD,

Foreign Office, S.W.1, 26th May, 1922.

I HAVE received Your Excellency's despatch No. 1210, of the 19th instant forwarding a copy of a Note from the French Government relative to the proposed deposit on 1st June next of the ratifications of the International Convention for the Regulation of Aerial Navigation of 13th October, 1919, and Additional Protocol of 1st May, 1920.

2. Your Excellency is now authorized to deposit the King's ratification of these instruments which has already been forwarded to you in my despatch No. 1154 of 22nd April, 1921,* and to sign the Protocol of deposit of ratifications in the form proposed by the French Government.

I am, &c.,
(for the Earl of Balfour)
G. H. VILLIERS.

His Excellency

The Lord Hardinge of Penshurst, K.G., G.C.B.,
&c., &c., &c.

* Enclosure in No. 17 in Dominions No. 81.

Enclosure 3 in No. 10.

TELEGRAM from LORD HARDINGE (PARIS.)

(Received 8.30 a.m., 3rd June, 1922.)

(No. 298.)

1ST JUNE. Your despatch No. 1597 of 26th May. Ratification of the International Air Convention.

I duly signed the Protocol of deposit of ratifications to-day.

(2) International Air Commission: Representation of Dominions and Voting Power.

14519

No. 11.

AIR MINISTRY to COLONIAL OFFICE.

(Received 28th March, 1922.)

[Answered by No. 12.]

Air Ministry, Adastral House, Kingsway, London, W.C.2.

SIR,

27th March, 1922.

I AM commanded by the Air Council to state for the information of the Secretary of State for the Colonies that they have had under consideration certain questions as to the manner of exercising the votes at the disposal of the British Empire on the International Commission for Air Navigation to be established under Article 34 of the International Convention.

2. It will be observed that, under that Article, although each of the British Dominions and India is entitled to a separate representative on the Commission, Great Britain, the British Dominions and India are to count as one State for the purpose of determining the number of votes at their disposal, and that the number of votes at the disposal of each of the five principal States (including the British Empire as one of the five) depends upon the number, for the time being, of other contracting States. It is anticipated that, at the outset of the Commission (which is to be established as soon as a majority of the States signatory to the Convention have notified their ratification to the French Government), the number of votes at the disposal of the British Empire will be two. This number will, of course, increase from time to time under the formula in the fifth paragraph of Article 34 as the number of the contracting States outside the five principal States increases by fresh ratification or by adhesions to the Convention: the total number of British Empire votes appears, however, unlikely to increase beyond four or five for a considerable time to come.

3. In these circumstances the question arises how the British Empire vote is to be exercised as regards questions on which a difference of opinion exists between component parts of the Empire. It might be possible to provide for this by means of preliminary meetings between representatives of Great Britain, the Dominions and India, at which the attitude of the Empire in regard to pending questions would be discussed, and the direction of the Empire vote on the Commission determined by, if necessary, a preliminary vote. This suggestion is, however, made only tentatively: apart from other considerations, it is not clear that time would always admit of such a procedure. The Council are also disposed to the view that the interest of Great Britain in the Commission and in civil aviation generally so largely outweighs that of any of the individual Dominions as to require that, under any such arrangement, Great Britain should, at all events for the present, be given a predominant voice.

4. It would appear, however, that a somewhat similar problem may already have arisen in connexion with the Council of the League of Nations. On that body, as the Air Council understand, the British Empire, including the Dominions and India, is represented as a whole and has a single vote. The Council are not aware what arrangements exist for ascertaining and, as far as possible, giving effect to the views of the Dominions in regard to matters coming before the Council of the League: it may be, however, that a useful precedent for solving the problem indicated in paragraph 3 above is to be found here, or in connexion with some other

international agreement or Convention to which Mr. Churchill may be able to direct attention. Inasmuch as the duties of the International Commission for Air Navigation relate so largely to matters of a technical and non-political character, it is not suggested that the parallel between that body and the Council of the League of Nations can be regarded as exact.

5. I am to add that while the terms of the Air Navigation Convention do not appear to preclude the splitting of the British Empire vote on the Commission, such a course appears to the Council to have substantial disadvantages. It would reduce the voting power of the Empire (indeed, it would cancel it, so long as the number of votes is only two) and it might tend to encourage disagreement between the component parts of the Empire.

6. The Council would be glad to be furnished with Mr. Churchill's observations on the matter in general, and particularly as regards the points suggested in paragraph 4.

7. A copy of this letter is being sent to the India Office, together with a request for the observations of that Department.

I am, &c.,
J. A. WEBSTER.

14519

No. 12.

COLONIAL OFFICE to AIR MINISTRY.

SIR, Downing Street, 2nd May, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 27th of March* regarding the manner of exercising the votes at the disposal of the British Empire on the International Commission for Air Navigation, and to invite reference to the letter from this Office of the 14th of November† and to your letter of the 29th of November,‡ on the subject of the representation of the Union of South Africa on the Commission.

2. As regards the third paragraph of your letter under reply, it appears to Mr. Churchill that the only satisfactory course is to regard the representatives of the various parts of the Empire on the Commission as constituting a British Empire Delegation, similar to those present at the Peace Conference, the Washington Disarmament Conference, and the Genoa Conference, and that every effort should be made by discussion to secure unanimity as to the manner in which the votes at the disposal of the British Empire should be cast. Mr. Churchill thinks it unlikely that this result cannot be achieved without detriment to any paramount interest of this country, having regard to the personal and professional qualifications which will doubtless be possessed by the officer who will represent the Air Council.

3. I am to add, with reference to paragraph 4 of your letter, that the position in the case of the Council of the League of Nations does not appear to afford any guidance in dealing with the present question.

I am, &c.,
C. T. DAVIS.

26653

No. 13.

AIR MINISTRY to COLONIAL OFFICE.

(Received 3rd June, 1922.)

[Answered by No. 15.]

Air Ministry, Adastral House,
Kingsway, London, W.C.2, 2nd June, 1922.

REPRESENTATION OF THE BRITISH EMPIRE ON THE INTERNATIONAL COMMISSION
FOR AIR NAVIGATION.

SIR, WITH reference to previous correspondence on the above-mentioned subject, I am commanded by the Air Council to acquaint you, for the information of Mr. Secretary Churchill, that they have had under consideration the question of the

* No. 11. † 56333: not printed; it forwarded for observations a copy of No. 33 in Dominions No. 81. ‡ 59286: not printed; its substance is contained in first paragraph of No. 35 in Dominions No. 81.

nomination of British representatives to serve on the International Commission for Air Navigation.

In view of the fact that ratifications by the majority of States signatory to the International Convention for the regulation of Air Navigation will, it is anticipated, be formally deposited about 1st June, and that the first meeting of the International Commission will be convened by the French Government for early in July, the Council request that, subject to Mr. Churchill's concurrence, the Governments of Canada, Australia, and New Zealand may be asked by cable to forward at a very early date the names of their respective representatives for communication, together with the nominations of Great Britain and India, through the Foreign Office to the French Government.

In this connexion it will be recalled that in the case of the Union of South Africa, the Council undertook, at the request of the Governor-General, that the representative of Great Britain should also act as the Union Government's representative on the Commission, the High Commissioner in London being kept in close touch with the proceedings of that body, and his advice sought on any questions involving the interests of South Africa.

I am, &c.,
J. A. WEBSTER.

26653

No. 14.

THE SECRETARY OF STATE to THE GOVERNORS GENERAL.

(Sent 4.10 p.m., 5th June, 1922.)

TELEGRAM.

[Answered by Nos. 16, 17 and 20.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)

[To Canada: 5th June. Your despatch 21st December, No. 739,*] [To Commonwealth of Australia and New Zealand: My telegram 24th December,†] Air Convention. Revised declaration now communicated to Government of France and British Ambassador, Paris, authorized to deposit His Majesty's Ratification of Convention and Additional Protocol. Anticipated that majority of Ratifications of signatory States will be deposited immediately and that Government of France will convene first meeting International Commission provided for in Article 34 early July. Please telegraph as soon as possible name of your Government's representative on Commission. Government of Union of South Africa have asked that representative of Great Britain may also represent them, keeping in touch with High Commissioner and referring to him, wherever interests of Union involved.—
SECRETARY OF STATE FOR THE COLONIES.

26653

No. 15.

COLONIAL OFFICE to AIR MINISTRY.

SIR, Downing Street, 8th June, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 2nd June‡ on the subject of the representation of the British Empire on the International Commission for Air Navigation, and to transmit to you, for the information of the Air Council, a copy of a telegram§ to the Governors-General of Canada, the Commonwealth of Australia, and New Zealand.

2. Mr. Churchill observes that no mention is made in your letter of Newfoundland. There would, however, seem to be no reason why Newfoundland should not be represented on the Commission. Article 34 of the Aerial Navigation Convention provides that the Commission shall be composed of " . . . one representative of Great Britain and one of each of the British Dominions and of India . . . "; there is no limitation to the British Dominions whose representatives signed the

* 363: not printed; it confirmed No. 36 in Dominions No. 81. † No. 37 in Dominions No. 81. ‡ No. 13. § No. 14.

Convention, and presumably the reference must be to all the self-governing Dominions.

Article 40 similarly provides that "The British Dominions and India shall be deemed to be States for the purposes of the present Convention." Unless the expression "the British Dominions" is interpreted as including Newfoundland, there will be no power to terminate the Convention separately in respect of Newfoundland. It would, however, be only appropriate and in accordance with the usual procedure in the case of Conventions of this nature that the power of separate termination should be exercisable in respect of Newfoundland. The real distinction drawn in the Convention is between the self-governing Dominions, which are to be regarded as separate States, and the Colonies not possessing responsible Government, which under Article 1 are included with the Mother Country.

3. No difficulty, moreover, will arise as to voting power if Newfoundland also is represented on the Commission, since, for the purpose of voting "Great Britain, the British Dominions and India" count as one State.

4. If the Air Council concur in the above views, Mr. Churchill would propose to send to the Governor of Newfoundland a telegram similar to that which has been sent to the Governors-General of the other Dominions.

I am, &c.,
C. T. DAVIS.

29026

No. 16.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.40 a.m., 17th June, 1922.)

TELEGRAM.

[Answered by No. 19.]

17TH JUNE. Your telegram 5th June,* Air Convention. My Government would be glad if representative of Great Britain could also represent this Dominion keeping in touch with High Commissioner for New Zealand and referring to him wherever interests of New Zealand involved.—JELICOE.

29954

No. 17.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.35 a.m., 22nd June, 1922.)

TELEGRAM.

[Answered by No. 21.]

21ST JUNE. Your telegram 5th June*; representation of Canada on International Commission for Air Navigation. Government of Canada is of opinion that Canada's representative should understand clearly what it means to share trans-continental frontier with such power as United States more so because Government of United States has not ratified International Air Convention. Squadron Leader Robert Leckie, Officer of Royal Air Force, now believed to be on duty in England, who is Canadian, and until recently was employed in Canada, is thoroughly conversant with situation and, if Air Ministry can spare his services, Government of Canada would desire him to act as Canada's representative, but he would be required to keep in touch with High Commissioner for Canada and to refer to him whenever Canadian interests were involved.—BYNG.

* No. 14.

30810

No. 18.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 27th June, 1922.)

[Answered by No. 22.]

SIR,

Foreign Office, 26th June, 1922.

I AM directed by the Earl of Balfour to state that he has received from the Air Ministry a copy of your letter to that Department of the 8th instant,* regarding the representation of Newfoundland on the International Commission for Air Navigation, and to offer the following observations thereon.

2. The right of Newfoundland to be represented on the Commission must, in Lord Balfour's opinion, depend upon whether it was the intention of the signatories of the International Air Convention, when signing that instrument, to include Newfoundland among the British Dominions referred to in paragraph 3 of Article 34. So far as His Lordship is aware there is no ground for assuming that the words "each of the British Dominions" were intended by the signatories to mean more than the four Dominions which were separate parties to the Treaty of Versailles, they being the only Dominions known to the international world in connexion with the Peace Settlement of 1919 and to the League of Nations, under whose direction the International Commission for Air Navigation will be placed.

3. The fact that Newfoundland is treated within the Empire as a self-governing Dominion does not entitle her to be regarded as such for the purposes of Article 34 of the International Air Convention, the interpretation of which depends not upon domestic usage within the Empire, but, as already stated, upon the meaning attached to the phrase "British Dominions" by the framers and signatories of the Air Convention.

4. As regards Newfoundland's power of withdrawal from the Convention, which is dealt with in the third paragraph of your letter, Lord Balfour sees no way at present in which this could be effected independently of Great Britain in the event of his view of Newfoundland's position being that generally adopted by the signatories of the Convention. It is a matter for regret that the necessary provision was not made at the time when the instrument was drafted.

5. I am to request that these considerations may be brought to the notice of the Secretary of State for the Colonies, and that Lord Balfour may be informed whether Mr. Churchill considers it really essential for Newfoundland to be separately represented on the Air Commission and, if so, in what way he would suggest that the endeavour to secure her that position be made.

I am, &c.,
G. H. VILLIERS.

31054

No. 19.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 119.)

MY LORD,

Downing Street, 30th June, 1922.

I HAVE the honour to acknowledge the receipt of your Excellency's telegram of the 17th of June,† and to request you to inform your Ministers that the Air Council state that they will be pleased to arrange for the representative of His Majesty's Government to represent New Zealand also on the International Commission for Air Navigation, keeping in touch with the High Commissioner for New Zealand and referring to him whenever the interests of the Dominion are involved.

I have, &c.,
WINSTON S. CHURCHILL.

* No. 15.

† No. 16.

31868

No. 20.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.0 p.m., 3rd July, 1922.)

3RD JULY. Your telegram 5th June,* International Air Commission. Government of Commonwealth of Australia desires representative of Great Britain to act for Australia in similar manner as for South Africa.—GOVERNOR-GENERAL.

31957

No. 21.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.5 p.m., 5th July, 1922.)

TELEGRAM.

[Answered by No. 23.]

5TH JULY. Your telegram 21st June,† Air Navigation Commission. Air Council anticipate considerable difficulty in making serving officer of the Royal Air Force continuously available to keep in touch with High Commissioner, and to attend meetings of Commission which is permanent and may meet frequently, unless he is definitely seconded for the purpose. Gathered that your Ministers do not contemplate that Leckie should be seconded, and in the circumstances Air Council hope that question of Canada's representation can be reconsidered. Meanwhile, since date of first meeting is fixed for 11th July, Air Council are arranging for representative of His Majesty's Government, pending alternative nomination, to watch Canadian interests and refer to High Commissioner when they are involved.—SECRETARY OF STATE FOR THE COLONIES.

30810

No. 22.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 24.]

SIR,

Downing Street, 8th July, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 26th of June,‡ regarding the representation of Newfoundland on the International Commission for Air Navigation, and to request you to inform the Earl of Balfour that, in deference to the wishes expressed by His Lordship, Mr. Churchill has not yet telegraphed to Newfoundland on the lines suggested in the letter from the Colonial Office to the Air Ministry of the 8th June§; in any case it would not seem essential that Newfoundland should be represented at the first meeting of the International Commission.

Mr. Churchill, however, attaches great importance to the principle involved, on account of its bearing on the position of the Irish Free State when established.

It will be remembered that the position of the Free State in relation to the Aerial Navigation Convention was discussed at the meeting of the Irish Technical Sub-Committee on the 3rd of April, when representatives of the Foreign Office were present. As the result of that discussion, and the subsequent decision of His Majesty's Government on the questions raised, the correspondence|| enclosed has been exchanged with the Provisional Government. From that correspondence it will be seen that the Provisional Government was informed that the Aerial Navigation Convention would apply to the Irish Free State when ratified, but a pledge was given that the necessary steps would be taken at the instance of the Free State Government with a view to putting the Free State, in relation to the Air Convention and other Conventions already in force, in the same international position as the other self-governing Dominions, in accordance with the Treaty.

* No. 14. † No. 17. ‡ No. 18. § No. 15. || Nos. 152 and 153.

The adoption of the construction of Articles 34 and 40 of the Air Convention, which was proposed in the Colonial Office letter of the 8th of June to the Air Ministry, affords the great advantage that without any modification of the Convention, it would secure the separate representation of the Irish Free State on the International Commission, and the right of separate termination of the Convention in respect of the Free State.

For this reason Mr. Churchill hopes that Lord Balfour will find himself able to accept the interpretation of the Articles in question which was suggested in the letter of the 8th of June,* leaving it to any Foreign Power which so desires to raise any question. As explained in the letter referred to, no difficulty should arise as to voting power if Newfoundland is represented on the International Commission, and the position would be the same as regards the Free State, since, for the purpose of voting, "Great Britain, the British Dominions and India" count as one State.

A copy of this correspondence is being sent to the Air Ministry.

I am, &c.,

C. T. DAVIS.

35352

No. 23.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.55 p.m., 19th July, 1922.)

TELEGRAM.

19TH JULY. Your telegram 5th July†; Canadian representation on Air Navigation Commission. My Ministers state that pending permanent arrangement for such representation, Government of Canada concurs in proposals contained in telegram, but desire to be duly informed regarding proceedings of Commission.—BYNG.

35448

No. 24.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 21st July, 1922.)

[Answered by No. 25.]

SIR,

Foreign Office, S.W.1, 20th July, 1922.

I AM directed by the Earl of Balfour to acknowledge the receipt of your letter of the 8th instant‡ relative to the representation of Newfoundland on the International Commission for Air Navigation.

2. Lord Balfour appreciates the importance attached by Mr. Secretary Churchill to the principle involved on account of its bearing on the position of the Irish Free State when established, and he will have the matter once more carefully examined. In the meantime he would be glad to be informed whether the Government of Newfoundland are pressing for representation on the Commission.

I am, &c.,

G. H. VILLIERS

35448

No. 25.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 27th July, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 20th of July,§ regarding the representation of Newfoundland on the International Commission for Air Navigation, and to request you to inform the Earl of Balfour that no communication has been received from the Government of Newfoundland on the subject.

2. Copies of your letter and this reply are being communicated to the Air Ministry.

I am, &c.,

E. J. HARDING.

* No. 15. † No. 21. ‡ No. 22. § No. 24.

(3) Article 5: Application of and proposed Amendment of.

39562

No. 26.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND
ACTING GOVERNOR.

(Canada. Commonwealth of Australia. New Zealand. Union of South Africa. Newfoundland. No. 125.)	}	Dominions Treaty No. 37.)
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[MY LORD,] [SIR,]

Downing Street, 19th August, 1922.

WITH reference to my despatch [Not to Newfoundland: Dominions Treaty No. 25] [To Newfoundland: No. 84] of the 16th of June,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the consideration of your Ministers, a copy of a Note from the French Ministry of Foreign Affairs to His Majesty's Ambassador at Paris regarding the application of Article 5 of the International Air Navigation Convention.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 26.

Direction des Affaires Administratives et Techniques.
Sous-Direction des Affaires Administratives et
des Unions Internationales.
Convention aérienne internationale.

Republique Française,
Ministère des Affaires Etrangères,
Paris, le 20 juillet, 1922.

MONSIEUR L'AMBASSADEUR,

J'AI l'honneur de vous rappeler qu'aux termes du Protocole additionnel à la Convention portant réglementation de la navigation aérienne, en date à Paris du 1^{er} mai, 1920, il a été prévu que les Etats contractants pourraient demander des dérogations à l'application immédiate de l'article 5 de la Convention.

Ce Protocole additionnel avait été préparé en vue de permettre aux Etats ayant ratifié la Convention et ayant conclu des accords avec d'autres Etats non encore parties à la Convention de laisser subsister ces accords.

La Convention est entrée en vigueur le 11 juillet et la Commission internationale de navigation aérienne, chargée d'examiner les demandes de dérogations, s'est réunie à cette date. Il y a donc urgence à ce que les Gouvernements désireux d'obtenir des dérogations adressent leurs demandes au Gouvernement Français, s'ils ne l'ont déjà fait, conformément au paragraphe 2 du Protocole additionnel.

Comme l'examen de ces demandes, la communication de l'avis de la Commission internationale de navigation aérienne aux Etats contractants et la réponse de ces derniers nécessitent des délais, les Puissances ayant déjà ratifié sont convenues par une déclaration insérée dans le Procès-Verbal de dépôt des ratifications, de différer provisoirement l'application des dispositions, de l'article 5 de la Convention en ce qui concerne les Etats signataires qui n'ont pas encore déposé leurs ratifications ainsi que quelques Etats nominalement désignés; d'après cette déclaration c'est au Gouvernement Français que les Puissances ont à notifier leurs intentions à ce sujet.

Vous estimerez, sans doute, utile, d'appeler sans retard l'attention de votre Gouvernement sur la présente communication.

Agréez, etc.,

Pour le Ministre et par autorisation,
MAURICE HERBETTE.

Son Excellence,

Lord Hardinge of Penshurst,
Ambassadeur de Grande-Bretagne,
à Paris.

* Nos. 10 and 9.

44831

No. 27.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND
ACTING GOVERNOR.

[Answered by Nos. 28, 36, 35 and 32.]

(Canada. Commonwealth of Australia. New Zealand. Union of South Africa. Newfoundland. No. 140.)	}	Dominions Treaty No. 44.)
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[MY LORD,] [SIR,]

Downing Street, 20th September, 1922.

WITH reference to my despatch [Not to Newfoundland: Dominions Treaty No. 37] [To Newfoundland: No. 125] of the 19th of August,* regarding Article 5 of the International Air Navigation Convention, I have the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that the Air Council have pointed out that, in view of the fact that the question of the amendment or rescission of this Article of the Convention is to be the subject of discussion at the next meeting of the International Commission for Air Navigation in London in October next, it would appear inopportune at present to institute steps for the purpose of obtaining the grant of specific derogations under the Additional Protocol. A formal notification is consequently being made to the French Government for communication to the International Commission and for notification to the other contracting States of the intention of His Majesty's Government to postpone, in accordance with the terms of the declaration made by the British Ambassador in the protocol of deposit of ratification of the Convention on the 1st of June last, the application of the provisions of Article 5 in respect of the signatory States which have not yet ratified, and in respect of Spain, Switzerland, Norway, Sweden, the Netherlands, Denmark, Finland, Estonia, Latvia and Monaco.

2. Your Ministers may wish to adopt a similar course, and I should be glad to be informed of their views in the matter.

I have, &c.,

WINSTON S. CHURCHILL.

51889

No. 28.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.50 p.m., 17th October, 1922.)

TELEGRAM.

[Answered by No. 30.]

17TH OCTOBER. Your despatch 20th September, Dominions Treaty No. 44† and my despatch 29th September, No. 531,‡ derogation from Article 5, International Air Navigation Convention, in favour of United States. My Ministers state that if meeting of Commission for Air Navigation which was to be held during October has adopted amendment to Article 5, which renders inconsistent Government of Canada application for such derogation, it is desired that this application should be held pending further consideration.—BYNG.

* No. 26. † No. 27. ‡ 50096; not printed; it enclosed a memorandum on Inter-State aviation between Canada and the United States, and asked that application might be made for a derogation from Article 5 of the Convention on behalf of Canada.

54460

No. 29.

THE HIGH COMMISSIONER FOR CANADA to COLONIAL OFFICE.

(Received 2nd November, 1922.)

SIR, 19, Victoria Street, London, S.W.1, 2nd November, 1922.

WITH reference to your letter of the 18th ultimo,* and previous correspondence regarding the International Air Convention, I beg to quote, for the information of the Secretary of State for the Colonies, the following cablegram which has been received from the Under Secretary of State for External Affairs at Ottawa:—

"Proposals now under consideration for reciprocal arrangement between United States and Canada covering freedom of passage over certain prescribed routes involving passage of both civil and state aircraft of each country over portion of the territory of the other, please inform Colonial Office, Government desire that action may be taken to obtain from the Commission now sitting necessary derogation from International Air Convention permitting of this."

The High Commissioner will be glad if consideration can be given to the matter with a view to the action that is desired by the Canadian Government being taken.

I am, &c.,

W. L. GRIFFITH,
Secretary.

55909

No. 30.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.25 p.m., 15th November, 1922.)

TELEGRAM.

[Answered by No. 31.]

15TH NOVEMBER. Your telegram 17th October.† International Commission at recent session agreed to submit to Contracting States for adoption additional Protocol to Air Convention allowing exception to Article 5 in cases where Contracting State has concluded special Convention with non-contracting State. In view of last paragraph of memorandum enclosed in your despatch 29th September, No. 531,‡ additional Protocol would apparently not assist Canada at present as regards United States and application for derogation being communicated to Government of France in accordance with your despatch of 29th September and telegram§ from Department of External Affairs to High Commissioner received beginning November. Pending grant of derogation best course seems to be that Government of Canada should notify intention to postpone application of Article 5 in respect of countries referred to in declaration included in Procès Verbal of Deposit of Ratifications, see page 7 of enclosure to my despatch of 29th August, Dominions No. 315,|| such notification already given on behalf of His Majesty's Government and Government of India. Do your Ministers desire similar notification on behalf of Canada? —DEVONSHIRE.

58412

No. 31.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.45 p.m., 25th November, 1922.)

TELEGRAM.

25TH NOVEMBER. Your telegram 15th November¶ flights of United States aircraft over Canadian territory. Canada desires similar action to that already taken by His Majesty's Government and India with regard to postponement of Article 5 in respect to countries which have signed and not yet ratified International Convention for Air Navigation.—BYNG.

* 50096: not printed; it enclosed a copy of No. 50096 (see †). † No. 28. ‡ 50096: not printed; it enclosed a memorandum on Inter-State aviation between Canada and the United States, and asked that application might be made for a derogation from Article 5 of the Convention on behalf of Canada. § See No. 29. || 41150: not printed; it enclosed a copy of Treaty Series 1922, No. 11. ¶ No. 30.

61401

No. 32.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12th December, 1922.)

(No. 611.)

MY LORD DUKE, Governor-General's Office, Pretoria, 18th November, 1922.

WITH reference to your predecessor's despatch Dominions Treaty No. 44 of the 20th September,* I have the honour to transmit to Your Grace the accompanying copy of a Minute from my Ministers regarding Article 5 of the International Air Navigation Convention.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 32.

MINUTE No. 913.

17th November, 1922.

MINISTERS have the honour to acknowledge receipt of His Royal Highness the Governor-General's Minute No. 3/4159 of 12th ultimo, enclosing copy of despatch Dominions Treaty No. 44 from the Right Honourable the Secretary of State for the Colonies, and in reply thereto have to state that they are in agreement as to desirability of postponing the application of the provisions of Article 5 of the International Air Convention, pending the discussion of the amendments thereto, which are under consideration.

F. S. MALAN.

60702

No. 33.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.10 p.m., 21st December, 1922.)

TELEGRAM.

(Canada.)

(Union of South Africa.)

21ST DECEMBER. My despatch 30th November [No. 561] [No. 329].† Certified copy Protocol now received from International Commission and proposed that it should be signed on behalf of His Majesty's Government and subsequently ratified by His Majesty. Do your Ministers desire signature and ratification on their behalf, and, if so, whom do they nominate to sign?—DEVONSHIRE.

60702

No. 34.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.40 p.m., 21st December, 1922.)

TELEGRAM.

(Commonwealth of Australia.)

(New Zealand.)

My despatch 29th August, Dominions No. 315.‡ International Air Commission at recent Session adopted proposal that Article 5 of Air Convention should be modified to read as follows:—

* No. 27. † 56748: not printed; it enclosed a copy of the draft Protocol, the substance of which is contained in No. 34. ‡ 41150: not printed; it enclosed a copy of Treaty Series 1922, No. 11.

Begins: No contracting State shall, except by special and temporary authorization, permit flight above its territory of aircraft which does not possess nationality of contracting State unless it has concluded special Convention with State in which aircraft registered. Stipulations of such special Convention must not infringe rights of contracting parties to present Convention and must conform to rules laid down by Convention and annexes. Special Convention shall be communicated to International Commission, which will bring it to knowledge of other contracting States.—*Ends.*

Amendment has been embodied in Protocol now received from International Commission and proposed that Protocol shall be signed on behalf of His Majesty's Government and subsequently ratified by His Majesty. Do your Ministers desire signature and ratification on their behalf, and, if so, whom do they nominate to sign?—DEVONSHIRE.

63164

No. 35.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 22nd December, 1922.)

(No. 321.)

MY LORD DUKE,

Government House, Wellington, 13th November, 1922.

I HAVE the honour to inform Your Grace that I duly referred, for the consideration of my Ministers, Mr. Churchill's despatch, Dominions Treaty No. 44, of the 20th September,* notifying the intention of His Majesty's Government to postpone the application of the provisions of Article 5 of the International Air Navigation Convention in respect of certain States mentioned in the despatch.

2. In answer to the last paragraph, my Ministers advise me that the Government of New Zealand desires to be associated with His Majesty's Government in its notification of such intention to the International Commission.

I have, &c.,

JELLICOE,

Governor-General.

63611

No. 36.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th December, 1922.)

(No. 442.)

MY LORD DUKE,

Governor-General's Office, Melbourne, 14th November, 1922.

REFERRING to your predecessor's despatch, dated 20th September, 1922, Dominions Treaty No. 44,* regarding Article 5 of the International Air Navigation Convention, I have the honour to inform Your Grace that I am advised by my Prime Minister that the Commonwealth Government is in entire accord with the terms of the notification addressed to the French Government relative to the intention of His Majesty's Government to postpone the application of the provisions of the Article in question in respect of the signatory States which have not yet ratified, and in respect of Spain, Switzerland, Norway, Sweden, the Netherlands, Denmark, Finland, Esthonia, Latvia and Monaco.

I have, &c.,

FORSTER,

Governor-General.

* No. 27.

(4) Article 5: Application of Belgium for Derogation.

61747

No. 37.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.45 p.m., 19th December, 1922.)

TELEGRAM.

[Answered by No. 38.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

19TH DECEMBER. My despatch, 20th September, Dominions Treaty No. 44.* Government of Belgium have applied for derogation from Article 5 of Air Convention in favour of countries mentioned in declaration included in *procès verbal* of Deposit of Ratifications; see page 7, enclosure to my despatch of 29th August, Dominions No. 315.† International Commission has approved request; duration of derogation to be six months, but it will not take effect until accepted by contracting States. Do your Ministers accept derogation?—DEVONSHIRE.

63943

No. 38.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.45 p.m., 27th December, 1922.)

TELEGRAM.

27TH DECEMBER. Your telegram 19th December,‡ application of Belgium for derogation from Article 5 of International Air Convention. Government of Canada has no objection to granting of this derogation.—BYNG.

(5) Article 25.

49570

No. 39.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

Dominions No. 398.)

[MY LORD,] [SIR,]

Downing Street, 13th November, 1922.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, a copy of a letter from the Secretary-General of the International Commission for Air Navigation regarding the adoption of the necessary legislative or administrative measures for giving effect to the provisions of Article 25 and paragraph 16 of Annex H of the Convention relating to the Regulation of Aerial Navigation.

I have, &c.,

DEVONSHIRE.

* No. 27.

† 41150: not printed; it enclosed a copy of Treaty Series 1922, No. 11. ‡ No. 37.

Enclosure in No. 39.

Commission Internationale de Navigation Aérienne.

Secretariat General.

SIR,

Paris, 5th September, 1922.

ARTICLE 25 of the Convention relating to the Regulation of Aerial Navigation, dated in Paris the 13th October, 1919, is worded as follows:—

Each contracting State undertakes to adopt measures to ensure that every aircraft flying above the limits of its territory and that every aircraft wherever it may be, carrying its nationality mark, shall comply with the regulations contained in Annex D. Each of the contracting States undertakes to ensure the prosecution and punishment of all persons contravening these regulations.

Paragraph 16 of Annex H. provides as follows:—

In addition to any penalties which may be imposed by local law for infringement of the preceding regulations, such infringement shall be reported to the State in which the aircraft is registered and that State shall suspend for a limited time, or permanently, the certificate of registration of the offending aircraft.

These two provisions provide for the infliction of penalties by a State in respect of infringements committed outside its territory.

Article 25 provides for the prosecution and punishment by a State in respect of infringements of the regulations laid down in Annex D. committed by any aircraft wherever it may be, carrying the nationality mark of such State.

Paragraph 16 of Annex H. requires a State in which an aircraft is registered and to which an infringement by such aircraft of the regulations of the said Annex is reported by another State, to suspend either for a limited time, or permanently, the certificate of registration of the offending aircraft.

It appears, under these circumstances, that it is for contracting States to take the necessary legislative or administrative measures for giving effect to the provisions of Article 25 of the Convention and paragraph 16 of Annex H.

The International Commission for Air Navigation, having examined this question during the course of its First Session, instructed me to call your attention to the desirability of taking such measures.

I have, &c.,

ALBERT ROPER,

General Secretary.

The Secretary,
Air Ministry,
London.

ANTARCTIC: FUTURE CONTROL.

47114/S

No. 40.

COLONIAL OFFICE to LAW OFFICERS, AND LAW OFFICERS' REPORT.

GENTLEMEN,

Downing Street, 27th November, 1922.

I AM directed by the Duke of Devonshire to submit to you a point which has arisen in connexion with proposals for administration of certain territorial waters.

His Majesty's Government, in conjunction with the Governments of Australia and New Zealand, have, for reasons which are summarized in the Secret despatch of 6th February, 1920,* of which a copy is enclosed, adopted a policy of extending British control over the Antarctic regions. It is held that the most important practical step in this direction is the assertion of British sovereignty over the Ross Sea coasts and their hinterland. A Secret memorandum† on the best method of so asserting sovereignty, which formed the basis of discussion between the three Governments in 1921, is enclosed.

The question has now been advanced by the receipt of an application from two Norwegians for whaling licences in the territorial waters of the coasts of the Balleny Islands and Ross Sea. These gentlemen have stated in conversation that

* No. 39 in Dominions No. 75.

† Dominions No. 78.

application to His Majesty's Government was advised by the King of Norway; and their action is regarded as valuable support to the British claim. The licence, which will yield a certain amount of revenue and requires the vessels employed by the Licensees to call during each voyage at a port in New Zealand for purposes of inspection, is being issued by the Treasury, but contains a clause providing for transfer, if desired, to the Government of New Zealand. It is clearly convenient, in view of the fact that administration and control of the Licensees can only be carried on from a New Zealand port, that the control of the coasts covered by the licence, which are included within the area considered to belong to the New Zealand sphere, should be transferred to the Dominion forthwith.

It will be observed that the Secret memorandum enclosed contemplated alternative methods of effecting this transfer; either by an Order in Council under the Colonial Boundaries Act, 1895, which would require previous resolutions of both Houses of the Dominion Parliament, or by the issue of Letters Patent appointing the Governor-General for the time being of the Dominion to be Governor for the Antarctic territory, with accompanying Instructions to exercise his powers on the advice of his Ministers for the Dominion. The New Zealand Government have indicated their preference for the latter method and desire an issue of Letters Patent in the form of the draft marked "C" in the Secret memorandum.

This course also commends itself to His Majesty's Government as being more appropriate to a territory already part of His Majesty's Dominions, but entirely uninhabited, and as likely to attract less attention. It has, however, now been suggested to His Grace that such Letters Patent may not be consistent with the British Settlements Act, 1887.

By Section 6 of that Act the expression "British Settlement" means any British possession which has not been acquired by cession or conquest and is not, for the time being, within the jurisdiction of the Legislature of any British possession. The British claim to the lands and islands of the Antarctic between the meridians of 160 degrees east and 150 degrees west rests on discovery, not on cession or conquest, the territories being at the time of discovery, and now, wholly uninhabited, and never having been at any time inhabited, except for a few months by scientific expeditions. It would appear, therefore, that although never settled or likely to be settled, they fall within the definition of British settlement in the British Settlements Act, 1887, unless it can be held that uninhabited lands are excluded altogether from the operation of the Act.

If the Antarctic territories are thus British settlements it would appear that, as the provision in section 3 for the delegation of the powers of the Crown is obviously impossible of application, regulations for peace, order and good government can only be made by His Majesty in Council, and that the Governor-General of a Dominion cannot be empowered by Letters Patent to make such regulations.

In this connexion I am to refer to Reports by your predecessors in office, dated the 29th February, 1912, and the 22nd June, 1915 (paragraph 3),* resulting in the passing of the Pacific Islands Regulations (Validation) Act, 1916. Copies of these Reports are enclosed.

I am to ask that you will take this letter and its enclosures into consideration, and report:—

(1) Whether the uninhabited lands of the Antarctic which are claimed as British territory by virtue of British discovery are British settlements within the British Settlements Act, 1887.

(2) If the answer to the preceding question is in the affirmative, whether it is possible in respect of such uninhabited territory to confer on the Governor-General of New Zealand by Letters Patent or otherwise, the powers, including the power of legislation, proposed in the Draft Letters Patent ("C").

(3) If the answer to the second question is in the negative, whether any convenient method can be advised for transferring the government of such territories to the Government of the Dominion of New Zealand, other than procedure under the Colonial Boundaries Act, 1895; and

(4) Generally.

I am, &c.,

C. T. DAVIS.

* Law Officers' Opinions Series, Vol. viii., Nos. 155 and 184.

REPORT.

WE have taken the matter into our consideration, and in obedience to Your Grace's commands, have the honour to report:—

(1) In early days it was maintained that discovery of previously unknown territory in itself conferred an absolute title upon the State by whom the discovery was made. But in our opinion it is now well settled that this is not the law. Discovery offers an inchoate title which is perfected by occupation or by acts of ownership exercised over a long period and acquiesced in by other Powers. It follows in our opinion that it would be unwise to proceed by way of annexation in the Antarctic, and that the Government is right to assert existing British sovereignty in the region now in question. If this course be adopted, in our opinion it is impossible to resist the conclusion that the territories in question are "British possessions" which have not been acquired by cession or by conquest, and therefore that they are "British settlements" within the Act of 1887.

The answer to the first question, therefore, is in the affirmative.

(2) In our opinion it is possible to confer upon the Governor-General of New Zealand the powers proposed in the draft Letters Patent, but this can only be done by Order in Council and not by way of Letters Patent.

(3) If an Order in Council is made on the lines of the draft Letters Patent it does not, in our opinion, involve any alteration of the boundaries of the Dominion of New Zealand. In our opinion there is nothing unconstitutional in entrusting such powers as are conferred by the draft Letters Patent to the Governor-General of a British self-governing dominion without incorporating the territory for which the powers are to be exercised in that dominion, provided, of course, that the consent of the dominion Ministry is first obtained. It would, therefore, be unnecessary to proceed on the Colonial Boundaries Act of 1895. If the Order in Council were to be made in the form suggested, it might be possible at some later date to incorporate the Ross Dependency in the Dominion of New Zealand by subsequent Order in Council, and to procure the necessary resolutions from the Dominion Parliament assenting to such incorporation. The fact that the Ross Dependency had long been administered by the Governor-General of that Dominion would probably facilitate the passing of such resolutions.

DOUGLAS MCGAREL HOGG,
J. W. H. INSKIP.

Law Officers' Department,
3rd January, 1923.

ARBITRATION AGREEMENTS.

(1) Denmark.

(Treaty Series 1922, No. 12.)

(2) Iceland.

(Treaty Series 1922, No. 13.)

38286

No. 41.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND
GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

} Dominions No. 285.)

[MY LORD,] [SIR,]

Downing Street, 12th August, 1922.

WITH reference to my predecessor's despatch Dominions No. 432 of the 9th of October, 1920,* I have the honour to transmit to [Your Excellency,] [Your Royal

* No. 45 in Dominions No. 75.

Highness,] [you,] for the information of your Ministers, copies of two Conventions,* dated the 1st of May, renewing with Denmark and Iceland for a further period of five years, as from the 4th of May, 1921, the Convention signed at London on the 25th of October, 1905, for the settlement by arbitration of certain classes of questions which may arise between the Danish or Icelandic Governments and His Majesty's Government.

2. The delay in renewing this Convention is due to a request by the Danish Government that, although a Convention had been signed on 3rd May, 1921, two separate Conventions for Denmark and Iceland respectively should be substituted for that Convention before ratification.

3. The only difference in the text of these Conventions and that of the Convention signed on 3rd May, 1921, but not ratified, is that, apart from the separate mention of Iceland, the word "renew" has been substituted for the words "hereby undertake to renew" in Article I of each of the two Conventions. The Danish and Icelandic texts conform to this amendment.

4. The ratifications of these Conventions were exchanged with the Danish Minister on the 28th of July.

I have, &c.,

WINSTON S. CHURCHILL.

ARMS TRAFFIC CONVENTION.

(Treaty Series 1919, No. 12.)

9194

No. 42.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.0 p.m., 25th February, 1922.)

TELEGRAM.

[Answered by No. 43.]

25TH FEBRUARY. Your telegram 5th September,† Arms Traffic Convention. Government of Canada has received letter dated 21st November from Secretary-General League of Nations referring to Resolution adopted by Assembly of League 1st October, and inquiring in name of Council of League whether Government of Canada is prepared to ratify Convention. Before considering reply to this letter, Government of Canada would be glad to have advice as to present position, and as to attitude which His Majesty's Government propose to adopt with regard to Secretary-General's inquiry.—BYNG.

12956

No. 43.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 4.15 p.m., 21st March, 1922.)

TELEGRAM.

21ST MARCH. Your telegram 25th February,‡ Ratification Arms Traffic Convention. Position of His Majesty's Government remains as set out in my telegram of 5th September,† and so far as His Majesty's Government concerned no further communication to League thought necessary at present.—SECRETARY OF STATE FOR THE COLONIES.

* See Treaty Series 1922, Nos. 12 and 13.

† No. 58 in Dominions No. 81.

‡ No. 42.

12956

No. 44.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

My LORD,

Downing Street, 23rd March, 1922.

WITH reference to my telegram of the 21st March,* on the subject of the ratification of the Arms Traffic Convention, Your Excellency's Ministers are aware that the difficulty in securing the ratification of this Convention has always been the doubt as to the attitude of the United States Government in the matter.

2. During the course of the Washington Conference, a suggestion was made by Sir A. Balfour to the United States Secretary of State for the adoption of a resolution which would place on record the intention of the Powers represented, to accept the provisions of the Convention, this declaration being accompanied by a reservation on the part of the United States, reserving its assent to any provisions of the Convention which require disputed questions to be submitted to the League of Nations. This suggested resolution was, however, never discussed, and no definite indication of the attitude of the United States Government was given.

3. The matter, therefore, remains as indicated in my telegram of the 5th September† last, i.e., His Majesty's Government are ready to ratify as soon as the other Principal Allied and Associated Powers are also prepared to do so, subject to safeguards being provided against the Convention being rendered nugatory by the action of non-signatory States. So far as His Majesty's Government are concerned, no further communication to the League of Nations is considered to be called for at present.

I have, &c.,

WINSTON S. CHURCHILL.

33009

No. 45.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.12 p.m., 7th July, 1922.)

TELEGRAM.

[Answered by No. 46.]

7TH JULY. My telegram 9th September, 1921.‡ Ratification of Arms Traffic Convention. My Ministers inquire whether you have communicated to League of Nations concurrence of Government of Canada in proposal of His Majesty's Government to proceed with ratification of this Convention as soon as other Principal Allied and Associated Powers are prepared to ratify it, subject to safeguards being provided against Convention being rendered nugatory by non-signatory States. My Ministers state that from letter received from Acting Secretary-General of League of Nations, dated 13th June, it would appear that this communication was not made at the time or since.—BYNG.

35743

No. 46.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.50 p.m., 26th July, 1922.)

TELEGRAM.

26TH JULY. Your telegram 7th July.§ No formal communication made to League Nations regarding ratification of Arms Traffic Convention, but British

* No. 43. † No. 58 in Dominions No. 81. ‡ No. 59 in Dominions No. 81. § No. 45.

Representative Temporary Mixed Commission Reduction of Armaments made verbal declaration on position, effect of which stated last paragraph but one, page 14, Commission's Report of 15th September, 1921, No. A 81, 1921, C 321, 1921. Report was circulated to all members of Council and League, and to all delegates to Assembly, 1921.—SECRETARY OF STATE FOR THE COLONIES.

44573

No. 47.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 345.)

[My LORD,] [SIR,]

Downing Street, 13th September, 1922.

WITH reference to my despatches Dominions No. 256 of the 28th of June, 1921,* and Dominions No. 93 of the 22nd of March,† I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's Chargé d'Affaires at Washington forwarding a Memorandum from the United States Secretary of State intimating that the United States Government are unable to ratify the Arms Traffic Convention.

I have, etc.,

WINSTON S. CHURCHILL.

Enclosure in No. 47.

(Confidential.)

Mr. Chilton to the Marquess Curzon of Kedleston.—(Received 22nd August.)

(No. 933.)

My LORD,

Washington, 9th August, 1922.

WITH reference to your Lordship's despatch No. 730 of the 6th June, 1921,‡ relative to the application of the Arms Traffic Convention, I have the honour to transmit herewith copy of a memorandum addressed to me by the Secretary of State intimating that the United States Government feel themselves unable to ratify the Convention in question.

I have, &c.,

H. G. CHILTON.

Mr. Hughes to Mr. Chilton.

THE Secretary of State presents his compliments to the Chargé d'Affaires *ad interim* of Great Britain, and, referring to the desire expressed by the Embassy that this Government should ratify the Arms Traffic Convention signed at Saint-Germain, 10th September, 1919, begs to say that most careful study has been given the question, and that the Government of the United States is in cordial sympathy with efforts suitably to restrict traffic in arms and munitions of war.

As evidence of its interest in the matter, it may be recalled that by a joint resolution approved on the 22nd April, 1898, as amended on the 12th March, 1912, the following provision was made with respect to the regulation of the shipment of arms from the United States:—

"That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress."

* No. 56 in Dominions No. 81. † Not printed: it enclosed correspondence dealing with the measures being taken by the Italian Government, pending the ratification of the Convention.

‡ Enclosure in No. 56 in Dominions No. 81.

By a resolution approved on the 31st January, 1922, this provision of law was extended so as to include any country in which the United States exercises extra-territorial jurisdiction.

After a careful examination of the terms of the Convention, it has been decided that the objections found thereto render impossible ratification by this Government.

While the application of the Convention to certain designated areas or zones, extending in effect the Brussels Convention, may fulfil a useful object, the plan of the present Convention is much broader. As has been pointed out, the distinctive feature of this plan is not a provision for a general limitation of armament, but the creation of a system of control by the signatory Powers of the traffic in arms and munitions, these signatory Powers being left free not only to meet their own requirements in the territories subject to their jurisdiction, but to provide for supplying each other with arms and munitions to the full extent that they may see fit.

There is particular objection to the provisions by which the contracting parties would be prohibited from selling arms and munitions to States not parties to the Convention. By such provisions this Government would be required to prevent shipments of military supplies to any of the following Latin-American countries (which it is understood have not signed or adhered to the Convention), viz., Argentina, Colombia, Costa Rica, Dominican Republic, Honduras, Mexico, Paraguay, Uruguay and Salvador, however desirable it might be to permit such shipments, merely because they are not signatory Powers and might not desire to adhere to the Convention.

Finally, it may be observed that the provisions of the Convention relating to the League of Nations are so intertwined with the whole Convention as to make it impracticable for this Government to ratify, in view of the fact that it is not a member of the League of Nations.

Washington, 5th August, 1922.

AUSTRALIA.

Commercial Treaties affecting; Inquiry from Danish Government.

27495

No. 48.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 266.)

MY LORD,

Downing Street, 28th July, 1922.

I HAVE the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a note from the Danish Minister relative to the position of the self-governing Dominions in respect of commercial treaties. I should be glad to receive the observations of your Ministers as to the terms of the reply to Count Ahlefeldt-Laurvig.

2. I may observe that as regards questions I. and II. in the Note, the position is that Columbia, Costa Rica, Denmark, France, Mexico, Norway, Sweden and Switzerland agreed to the proposal of His Majesty's Government in 1911 respecting the right of the self-governing Dominions to withdraw from existing commercial treaties. The Commonwealth of Australia, including Papua and Norfolk Island, have taken advantage of the agreements, and have withdrawn from the commercial treaties with all the above-mentioned States, and the Union of South Africa has withdrawn from the Treaty with Mexico. Subject to the observations of your Ministers, His Majesty's Government would propose to explain on the above lines.

3. As regards question 3, it is proposed to reply that no foreign countries have, in virtue of these agreements, denounced their treaties with respect to any of the oversea Dominions.

4. It is presumed that question 4 refers only to obligations under commercial treaties, and the position would appear to be that the commercial treaties in force in respect of the Commonwealth of Australia are those with the Argentine Republic, 1825, Italy, 1883 (except as regards South Australia); Morocco, 1856, Peru, 1850, Venezuela, 1825, and Muscat, 1891 (renewable annually).

5. As regards question 5, it is proposed to say that no commercial treaties have recently been concluded affecting the relations of Australia with foreign countries. His Majesty's Government would be glad to know what reply the Commonwealth Government would wish to be made as regards commercial arrangements with other British Dominions.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 48.

(No. 160/64 D.1.)

MY LORD,

12th May, 1922.

You will be aware that after the denunciation by Australia in 1914 of the Anglo-Danish Treaties of 13th February, 1660-61, and 11th July, 1670, in conformity with the Copenhagen Protocol of 9th May, 1912, the Danish Government approached His Britannic Majesty's Government* with a view to the establishment of an arrangement for the regulation of the commercial intercourse between Denmark and Australia. In reply, Lord Grey of Falloden, in a note dated January, 1915, drew attention to the fact that neither the Danish nor the Australian laws made any discrimination between the goods of Treaty and non-Treaty countries, for which reason the Australian Government failed to perceive that any practical advantage would be derived from the proposed agreement. This state of things having now been altered by the Australian Customs Tariffs Act of 25th March, 1920, and 16th December, 1921, according to which different tariffs may be applied to goods of Treaty and non-Treaty countries, the Danish Treaty Commission desires to investigate whether an arrangement might be concluded between the Danish and Australian Governments for the purpose of securing to Danish goods the application of the Australian Intermediate Tariff.

As the Treaty Commission is at the same time inquiring into the general Treaty position of the British Dominions, I have the honour, in obedience to instructions, to request the favour of your Lordship's reply to the following questions:—

1. What countries have agreed to the proposal made by the British Government in 1911 concerning the withdrawal of the Dominions from the operation of treaties?

2. What Dominions have taken advantage of the stipulations of the agreements in question in order to effect their withdrawal, and in relation to which countries?

3. Have any foreign countries, and if so which, in virtue of the said agreements, denounced their treaties with respect to any of the Dominions?

4. Is the Commonwealth of Australia still bound by any ancient treaty obligations?

5. Have any commercial treaties lately been concluded between Australia and any foreign countries or British Dominions?

In submitting the above questions, I venture to ask your Lordship to be good enough to cause a few copies of the treaties referred to under section 5, should any such exist, to accompany your reply.

I have, &c.,

The Right Honourable

The Marquess Curzon of Kedleston,

&c., &c., &c.

* See Nos. 115 to 119 in Dominions No. 51.

BELGIUM.

Proposed Anglo-Belgian Defence Pact.

Note.—The negotiations for this Pact were connected with the negotiations for a similar Pact with France (see under "France"). The failure of the negotiations with France to materialize led to a similar failure in the case of Belgium.

3077

No. 49.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 5.0 p.m., 21st January, 1922.)

TELEGRAM.

[Answered by Nos. 50 and 74.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

(Paraphrase.)

WITH reference to my telegram 16th January.* The following are operative clauses of draft Anglo-Belgian Military Agreement which has been drawn up as result of conversations at Cannes:—

Begins: (1) In event of direct and unprovoked attack by Germany on Belgian territory, Great Britain will come to her assistance immediately with all her naval, military and air forces. (2) Belgium will employ all her military and air forces to defend her frontiers in event of German attack upon, or violation of, her territory. She will refrain from concluding arrangements or agreements incompatible with present engagement. (3) This treaty shall remain in force for a period of ten years, and shall, if approved by both parties, be renewable at end of that period. (4) Unless and until it is approved by Dominion concerned, no obligations shall be imposed by present treaty upon any of the Dominions of the British Empire. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

3568

No. 50.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.55 a.m., 22nd January, 1922.)

TELEGRAM.

(Paraphrase.)

22ND JANUARY. New Zealand Government is entirely in accord with His Majesty's Government in the matter of the draft Anglo-Belgian Treaty, and cordially approves of the draft operative clauses as outlined in your telegram of 21st January.†—JELICOE.

* No. 70. † No. 49.

BOLIVIA.

Convention for the Prevention of False Indications of Origin on Goods.

(Treaty Series 1921, No. 9.)

22248

No. 51.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 11th May, 1922.)

[Answered by No. 52.]

SIR,

Foreign Office, S.W.1, 9th May, 1922.

WITH reference to your letters of the 12th July and of 1st December last* and Board of Trade letter of the 12th December last,† I am directed by the Marquess Curzon of Kedleston to transmit herewith, to be laid before Mr. Secretary Churchill, a copy of further correspondence‡ with His Majesty's Minister at La Paz regarding the Convention between the United Kingdom and Bolivia for the prevention of false indications of origin on goods, signed at La Paz on 5th April, 1920.

2. Lord Curzon considers that, since the Convention contains no ratification clause, and therefore came into force from the date of signature, it will not be advisable to proceed with an exchange of notes defining its scope as contemplated in the previous instructions sent to Mr. O'Reilly. If no exchange of notes takes place, no question of the definition of the United Kingdom will arise.

3. Subject to Mr. Churchill's concurrence the Secretary of State proposes to instruct His Majesty's Minister at La Paz accordingly.

I am, &c.,

GEORGE MOUNSEY.

Enclosure in No. 51.

(No. 29.)

MY LORD,

British Legation, La Paz, 8th March, 1922.

I HAVE the honour to acknowledge receipt of Your Lordship's despatch No. 66, of the 19th December, relative to the Convention between the United Kingdom and Bolivia for the prevention of false indications of origin on goods, from which I note that I am to proceed to an exchange of notes with the Bolivian Government placing on record that the Convention applies on the British side to the United Kingdom only.

Before taking this course I venture to inquire, in order to avoid possible misunderstanding, whether the United Kingdom is still to be understood as including Ireland, or, if not, in what form it should be described.

I have, &c.,

W. O'REILLY.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c.,

&c.,

&c.,

Foreign Office.

22248

No. 52.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 53.]

SIR,

Downing Street, 22nd May, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 9th May,§ regarding the Convention between the United Kingdom and

* Nos. 65 and 68 in Dominions No. 81. † 61653: not printed; this suggested that His Majesty's Minister should be instructed to proceed in accordance with the enclosure in No. 66 in Dominions No. 81. ‡ Despatch from La Paz only printed. § No. 51.

Bolivia for the prevention of false indications of origin on goods, signed at La Paz on 5th April, 1920, and to request you to inform the Marquess Curzon of Kedleston that, on the understanding that it is the official view of His Majesty's Government that the Convention applies on the British side only to the United Kingdom, and that there is no indication that the Bolivian Government think differently, he concurs in the course proposed.

2. A copy of this correspondence is being forwarded to the Board of Trade.

I am, &c.,

C. T. DAVIS.

25709

No. 53.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 30th May, 1922.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copy of a despatch to His Majesty's Minister, La Paz, on the subject of the Convention between the United Kingdom and Bolivia for the prevention of false indications of origin on goods.

Foreign Office,
29th May, 1922.

Reference to previous correspondence: Colonial Office letter of 22nd May, 1922.*

(Similar letter sent to Board of Trade.)

Enclosure in No. 53.

(No. 37.)

SIR,

Foreign Office, S.W.1, 26th May, 1922.

WITH reference to your despatch No. 29 of the 8th March last, and previous correspondence relative to the Convention of 5th April, 1920, between the United Kingdom and Bolivia for the prevention of false indications of origin on goods, I transmit to you for your information a copy of recent correspondence with the Board of Trade† and the Colonial Office.‡

2. In the circumstances the matter need not be further pursued.

I am, &c.,

(For the Earl of Balfour),

GEORGE MOUNSEY.

W. E. O'Reilly, Esq.,
&c., &c., &c.

CZECHO-SLOVAKIA.

Proposed Commercial Treaty. Imposition of Duties under Safeguarding of Industries Act.

29905

No. 54.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 55.]

(Extract.)

SIR,

Downing Street, 11th August, 1922.

I AM directed by Mr. Secretary Churchill to request you to inform the Board of Trade that he has had under consideration your letter of the 21st June,§ regarding a proposed Commercial Treaty with Czecho-Slovakia.

* No. 52. † The letter from the Board of Trade expressed concurrence in the proposal in No. 51.

‡ Nos. 51 and 52. § 29905: not printed; it enclosed a draft Commercial Treaty of which Articles 3, 9 and 10 are printed as annexures.

2. It is observed that Article 3 of the draft Treaty provides that His Majesty's Government may make an Order under Section 3 (1) (b) of the Safeguarding of Industries Act in respect of Czecho-Slovak goods, but that three months' notice of their intention shall be given, and that it shall be open to the Czecho-Slovak Government to terminate the Treaty on the date when the Order takes effect. As the Board of Trade are aware from other correspondence (e.g., that as to the agreement with Latvia regarding the estates of deceased seamen), Mr. Churchill deprecates the insertion in a Commercial Treaty to which the self-governing Dominions and the Colonies may adhere, of provisions applicable on the British side only to the United Kingdom, and in the present instance the proposed stipulations give rise to two difficulties:—

(1) If the Government of any Dominion or Colony which had acceded to the Treaty desired to take action in respect of Czecho-Slovak goods precisely similar to that contemplated by the Safeguarding of Industries Act, it would be unable to do so on the same terms as His Majesty's Government (i.e., by giving three months' notice and leaving the Czecho-Slovak Government to terminate the Treaty if they wished), but would be compelled to give twelve months' notice of withdrawal under Article 10.

(2) If His Majesty's Government made an Order under the Act and the Czecho-Slovak Government terminated the Treaty in consequence, this termination would presumably, under the terms of the Article as now worded, apply, not only to the United Kingdom but also to any Dominions and Colonies which had acceded, and this would be the result, not of any action taken by the Dominion and Colonial Governments concerned, but solely of action taken by His Majesty's Government in respect of the United Kingdom.

3. Mr. Churchill would, therefore, urge that, if possible, Article 3 should be replaced by an Article in general terms, which would be applicable to any Dominion or Colony acceding to the Treaty, and he would suggest some such form of words as the following, which has been adapted from the draft Commercial Treaty with Latvia:—

"Nothing in this Treaty shall be held to prohibit the imposition in His Britannic Majesty's territories of special rates of customs duty on specified articles of Czecho-Slovak origin, other or higher than those levied on similar articles the produce or manufacture of any other foreign country, in cases where such special rates of customs duty are levied in pursuance of legislation of general application enabling the imposition of such duties on articles the produce or manufacture of any country, where such articles are being sold or offered for sale in the part of His Britannic Majesty's territories concerned at prices which by reason of depreciation in the value in relation to sterling of the currency of the country in which the articles are produced or manufactured, are below the prices at which similar articles can be profitably produced or manufactured in the part of His Britannic Majesty's territories concerned, and that by reason thereof employment in that part of His Britannic Majesty's territories is being or is likely to be seriously affected.

Nevertheless, no such special rates of customs duty shall be imposed on goods manufactured in Czecho-Slovakia, until the expiration of three months from the date on which the Czecho-Slovak Government have been notified of the intention of the Government of the part of His Britannic Majesty's territories concerned to impose such duty. In the event of such notice being given this Convention shall, notwithstanding the provisions of Article 10, at the request of the Czecho-Slovak Government cease to have effect as between Czecho-Slovakia and such part of His Britannic Majesty's territories from the date on which the Czecho-Slovak goods in question become liable to the special duty referred to."

4. If this amendment is proposed to the Czecho-Slovak Government, Mr. Churchill would be glad if it can be made clear to them that it is designed to facilitate the accession of the Dominions and Colonies to the Treaty.

5. I am also to suggest that it would be well to explain to the Czecho-Slovak Government at some stage before the negotiations are completed:—

(a) That the Irish Free State, after its establishment, will be deemed to be included in the expression "self-governing Dominions" (see paragraph 6 (f) below).

(b) That it is desired that it should be open to the Irish Free State to accede at any time within one year from the date of its establishment in the event of its being established after the ratification of the Treaty.

7. A copy of this letter is being sent to the Foreign Office.

I am, &c.,

E. J. HARDING.

REVISED DRAFT TREATY BETWEEN GREAT BRITAIN AND CZECHO-SLOVAKIA.
(Extracts.)

Article III.

Notwithstanding the provisions of this Treaty His Majesty's Government shall be entitled to make an Order under Section 2, subsection 1, paragraph (b) of the Safeguarding of Industries Act, 1921, applying to goods of any class or description manufactured in Czecho-Slovakia the special Customs duty provided for in Part II of the Act on the ground that such goods are being sold or offered for sale in the United Kingdom at prices which, by reason of depreciation in relation to sterling of the currency of Czecho-Slovakia, are below the prices at which similar goods can be profitably manufactured in the United Kingdom, and that by reason thereof employment in any industry in the United Kingdom is being or is likely to be seriously affected.

His Majesty's Government, nevertheless, undertake that no such Order shall be made against goods manufactured in Czecho-Slovakia, until the expiration of three months from the date on which they have notified to the Czecho-Slovak Government their intention to make it. In the event of such notice being given this Convention shall, notwithstanding the provisions of Article X at the request of the Czecho-Slovak Government cease to have effect from the date on which the Czecho-Slovak goods in question become liable to the special duty above referred to.

Article IX.

The stipulations of the present Treaty shall not be applicable to India or to any of His Britannic Majesty's Dominions, Colonies, Possessions or Protectorates unless notice of accession shall have been made on behalf of India or of any such Dominion, Colony, Possession or Protectorate by His Britannic Majesty's Representative at Prague before the expiration of one year from the date of the exchange of ratifications of the present Treaty. Nevertheless, the produce of the soil or industry of India or of any of His Britannic Majesty's Dominions, Colonies, Possessions or Protectorates shall enjoy in Czecho-Slovakia complete and unconditional most-favoured-nation treatment (subject to the reserve contained in Article IV) so long as India or such Dominion, Colony, Possession or Protectorate shall accord to the produce of the soil or industry of Czecho-Slovakia treatment as favourable as that accorded to the produce of the soil or industry of any other foreign country.

Article X.

The present Treaty shall be ratified and the ratifications shall be exchanged at London as soon as possible. It shall come into force immediately upon ratification and shall remain in force for five years from that date. In case neither of the Contracting Parties shall have given notice to the other twelve months before the expiration of the said period of five years of the intention to terminate the present Treaty, it shall remain in force until the expiration of one year from the date on which either of the Contracting Parties shall have given such notice.

As regards India and the British Dominions, Colonies, Possessions and Protectorates which may have acceded to the present Treaty in virtue of the provisions of Article IX either of the Contracting Parties shall have the right to terminate it separately at any time upon giving 12 months' notice to that effect.

44217

No. 55.

BOARD OF TRADE to COLONIAL OFFICE.

Board of Trade,
(Commercial Relations and Treaties
Department),

SIR, Great George Street, London, S.W.1, 4th September, 1922.
WITH reference to your letter of 11th August* on the subject of the proposed commercial treaty with Czecho-Slovakia, I am directed by the Board of Trade to

* No. 54.

forward to you, for the information of Mr. Secretary Churchill, copy of a letter* which has been addressed to the Foreign Office.

I have, &c.,
J. J. WILLS.

Enclosure in No. 55.

(Extract.)

Board of Trade,
(Commercial Relations and Treaties
Department),

SIR, Great George Street, London, S.W.1, 4th September, 1922.

3. As regards the proposal of the Colonial Office that collapsed exchange duties should be dealt with generally in an Article which would be applicable to any part of the Empire which adhered to the Treaty, I am to point out that the acceptance of Article 3 of the draft Treaty by the Czecho-Slovak Government would, in the Board's view, rest upon the fact that the Article relates to a specified Act of Parliament, with the terms of which that Government is familiar, and on the reasonable assumption that there is very little likelihood of an Order being made under Section 2 (1) (b) of the Act in respect of Czecho-Slovakia. If general words are substituted for the specific reference to the Act, the Czecho-Slovak Government may well feel some doubt as to what the future may hold, even in the case of the United Kingdom, while as regards other parts of the Empire their fears may make the Treaty quite unacceptable if a general provision of this character is included. The obligation on His Majesty's Government to give three months' notice of the application of collapsed exchange duties to Czecho-Slovak goods and the right of the Czecho-Slovak Government to regard the Treaty as terminated in that event, if they so desire, may possibly make even a clause in general terms acceptable, and the Board accordingly do not desire strongly to oppose the suggestion that such a clause should be put forward. They are anxious, however, that a Treaty regulating the commercial relations of the United Kingdom with Czecho-Slovakia should be concluded and that the negotiations should not be unduly prolonged. Accordingly they would suggest, for the consideration of the Secretary of State, that the proposal should be put forward to the Czecho-Slovak Government in the most tentative manner. In this connexion the Board do not desire to suggest any amendment in the wording of the clause as set out in paragraph 3 of the Colonial Office letter under reference.

I have, &c.,
J. J. WILLS.

The Under Secretary of State,
Foreign Office,
S.W.1.

Note.—A copy of the above correspondence was forwarded to His Majesty's Representative at Prague, with a request that he would communicate the proposed amendment to the Czecho-Slovak Government, and an intimation that it was not desirable to insist on the revised text proposed at the expense of prolonging negotiations over the Treaty as a whole. No further communication on the subject had been received in the Colonial Office up to the end of 1922.

* Extract only printed.

EGYPT.

Future Status (Cmd. 1592).

9747

No. 56.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 5 p.m., 27th February, 1922.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

FOLLOWING from Prime Minister to your Prime Minister:—

Begins: I am happy to inform you that His Majesty's Government have now decided, in complete agreement with Lord Allenby, upon a declaration to Egypt which terminates the Protectorate while fully preserving the *status quo* with regard to the special interests of the British Empire in Egypt. This declaration has been framed in close accordance with the views expressed at the Imperial Conference and carries out the principles there laid down.

The terms of settlement offered by His Majesty's Government in November, together with the documents published in December, were communicated to you at the time. In consequence of the failure of the negotiations the Ministry resigned, and minor disturbances took place in several towns which were easily suppressed. There have been some political murders, and attempts were made to organize a commercial boycott and a general strike of Government servants, but with little success. Just after Christmas Zaghloul Pasha, the leader of the Nationalist agitation, having declined to refrain from further political activity, was exiled under Martial Law with his five principal lieutenants. They are now en route to Seychelles.

Meanwhile, negotiations were pursued by Lord Allenby with a view to the formation of a Ministry, and in January he submitted proposals with that object to this Government. The gist of these was that Great Britain should immediately terminate the Protectorate and recognize Egypt as an independent Sovereign State, reserving for future discussion and agreement the measures necessary to protect the special interests of the British Empire in Egypt. We regarded these proposals as inadmissible, since the form of reservation proposed appeared to us inadequate as a guarantee for our special interests which would rest on no juridical basis when Protectorate was terminated, and would therefore depend only on such agreements as Egyptian Ministers might in future be prepared to negotiate. We accordingly suggested an alternative procedure under which we would declare our readiness to recommend the termination of the Protectorate to Parliament as soon as Egyptian Ministers had concluded agreements with us sufficiently safeguarding British interests. Lord Allenby declared that this proposal would be inconsistent with his own undertakings to Egyptian statesmen, and that he could not hold out any hope of securing an Egyptian Ministry to take office upon it. We thereupon asked him to come home for consultation, which has led to very satisfactory results.

As all recent negotiations have been without results it has been decided to proceed to the termination of the Protectorate on the basis of a unilateral Declaration which is telegraphed to you herewith.* This pronouncement, while recognizing Egypt as an independent Sovereign State, lays down the position which we claim in Egypt *vis-à-vis* all other Powers, and enumerates the matters in which the maintenance of our special position is vital to Imperial security. In all these matters the *status quo* is maintained, but we declare our willingness to negotiate specific agreements upon them with the Egyptian Government at some later date when they desire it and circumstances promise success. In the meantime the Egyptians will be free to develop national institutions in accordance with their aspirations.

* Not printed here. The Declaration is printed on pp. 29 and 30 of [Cmd. 1592].

In communicating the substance of this Declaration to foreign Powers we propose to announce that the termination of the British Protectorate over Egypt involves no change in the *status quo* as regards the position of other Powers in Egypt. We propose to declare that the welfare and integrity of Egypt are necessary to the peace and safety of the British Empire which will therefore always maintain as an essential British interest the special relations between itself and Egypt, long recognized by other Governments. In calling attention to these special relations as defined in the Declaration recognizing Egypt's independence, we propose to declare that we will not admit them to be questioned or discussed by any other Power; that we will regard as an unfriendly act any attempt at interference in the affairs of Egypt by another Power; and that we will consider any aggression against the territory of Egypt as an act to be repelled with all the means at our command.

The Declaration is to be handed to the Sultan by Lord Allenby on 28th February. It will be presented to Parliament here the same afternoon. Text follows in separate telegram. D. Lloyd George. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

9998

No. 57.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada. No. 137.)

(Commonwealth of Australia. No. 125.)

(New Zealand. No. 54.)

(Union of South Africa. No. 92.)

[MY LORD,] [SIR,]

Downing Street, 16th March, 1922.

WITH reference to my telegrams of the 27th of February,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] for the information of your Ministers, copies of a Parliamentary Paper [Cmd. 1592] containing correspondence respecting affairs in Egypt, together with a copy of a statement† made by the Prime Minister in the House of Commons on the 28th of February.

I have, &c.,

WINSTON S. CHURCHILL.

Note.—Further documents relating to affairs in Egypt were forwarded to the Dominion Prime Ministers amongst Foreign Office prints. As to the position of Egypt in relation to the Lausanne Conference, see No. 366.

EXTRADITION TREATIES.

Serb-Croat-Slovene State, Bulgaria, Czecho-Slovakia, Esthonia, Poland, Brazil, Finland.

39861

No. 58.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 301.)

[MY LORD,] [SIR,]

Downing Street, 19th August, 1922.

WITH reference to my despatch Dominions No. 303 of the 28th July, 1921,† I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's

* No. 56 and 9747: not printed (see * on previous page).
Debates, House of Commons, Vol. 151, No. 16.

† See pp. 271-275 of Parliamentary
Debates, House of Commons, Vol. 151, No. 16.

Minister at Belgrade reporting that the Extradition Treaty between the United Kingdom and Serbia, signed on 23rd November—6th December, 1900, is regarded by the Serb-Croat-Slovene Government as covering for extradition purposes the whole of the Serb-Croat-Slovene Kingdom.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 58.

(No. 338.)

MY LORD,

Belgrade, 3rd August, 1922.

WITH reference to my despatch No. 318 of 26th July, I have the honour to report that the Serb-Croat-Slovene Government have now replied to the communication addressed to them, in accordance with the instructions of your despatch No. 173 of 19th April, regarding the validity for the whole Serb-Croat-Slovene Kingdom of the Extradition Treaty signed at Belgrade on 23rd November—6th December, 1900, between His Britannic Majesty and the King of Serbia.

In their Note Verbale, copy of which is enclosed, the Ministry for Foreign Affairs declare that the Treaty in question is considered by the Serb-Croat-Slovene Government as covering for extradition purposes the whole Serb-Croat-Slovene Kingdom, and add that this is, moreover, in conformity with the Treaty of St. Germain of 10th September, 1919, between the Allied and Associated Powers and the Serb-Croat-Slovene Kingdom.

I have, &c.,

The Right Honourable

The Earl of Balfour, K.G.,
&c., &c., &c.

ROYAUME DES SERBES CROATES ET SLOVÈNES.

Ministère des Affaires Étrangères.

(No. 7592.)

EN réponse à la note verbale No. 67, en date du 8 mai a.c. de la Légation de Sa Majesté Britannique, le Ministère Royal des Affaires Étrangères a l'honneur de déclarer :—

Que le Traité signé à Belgrade le 23 novembre—6 décembre, 1900, entre Sa Majesté Britannique et Sa Majesté le Roi de Serbie est considéré par le Gouvernement Royal comme valable pour les besoins d'extradition sur tous les territoires du Royaume des Serbes, Croates et Slovènes, ce qui est d'ailleurs conforme à l'article 12 Chapitre II du Traité conclu entre les principales puissances alliées et associées et le Royaume des Serbes, Croates et Slovènes le 10 septembre, 1919, à St. Germain.

Belgrade, le 31 juillet, 1922.

A la Légation de Sa Majesté Britannique,
Belgrade.

43638

No. 59.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 341. Confidential.)

[MY LORD.] [SIR.]

Downing Street, 8th September, 1922.

WITH reference to my predecessor's Confidential despatch Dominions No. 397 of the 13th of September, 1920,* I have the honour to transmit to [Your Excellency] [Your Royal Highness,] [you,] for the information of your Ministers, copies of

* No. 172 in Dominions No. 75.

despatches addressed to His Majesty's Representatives at Sofia, Prague, Reval, Warsaw and Rio de Janeiro, and to the Finnish Minister in London, regarding the proposed conclusion of treaties to provide for the reciprocal surrender of fugitive criminals between this country and Bulgaria, Czecho-Slovakia, Esthonia, Poland, Brazil and Finland respectively, together with a copy of the draft treaty* forwarded therein.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 59.

(No. 265.)

(No. 277.)

(No. 58.)

(No. 504.)

SIR,

Foreign Office, S.W.1, 28th August, 1922.

THE attention of His Majesty's Government has recently been directed to the necessity of providing treaty arrangements for the reciprocal surrender of fugitive criminals between this country and [Bulgaria,] [Czecho-Slovakia,] [Esthonia,] [Poland,] They entertain no doubt that the Government of that country will agree with them that the conclusion of such treaty arrangements at an early date would be expedient in the interests of both countries, in order that the requirements of justice may be duly provided for, and they would suggest that negotiations might be opened immediately.

2. I accordingly transmit to you herewith copies of a draft treaty which has been prepared on the model of extradition treaties formerly concluded between Great Britain and a large number of foreign countries. I shall be glad if you will communicate this draft treaty to the [Bulgarian] [Czecho-Slovak] [Esthonian] [Polish] Government for their early consideration, and will state that in the event of their acceptance of the draft, His Majesty's Government will be happy to proceed to the conclusion of a treaty on this basis for regulating the extradition of fugitive offenders between the two countries.

3. It may be necessary to add subsequently a provision in Article 17 of the draft extradition treaty defining the position of Ireland after the constitution of the Irish Free State; and you should explain this to the Government to which you are accredited in making this communication.

I am, &c.,

(For the Secretary of State.)

G. H. VILLIERS.

[The Honourable

W. A. F. Erskine, M.V.O.,

&c., &c., &c.]

[Sir G. R. Clerk, K.C.M.G., C.B.,

&c., &c., &c.]

[E. C. C. Wilton, Esq., C.M.G.,

&c., &c., &c.]

[Sir W. G. Max Muller, K.C.M.G., C.B.,

&c., &c., &c.]

(No. 208.)

Enclosure 2 in No. 59.

SIR,

Foreign Office, S.W.1, 28th August, 1922.

WITH reference to Mr. Robertson's despatch, No. 7 Treaty of 7th March, 1914, relative to former negotiations with the Brazilian Government for the conclusion of an extradition treaty between Great Britain and Brazil, to replace that denounced by the Brazilian Government in 1913, I transmit to Your Excellency herewith a copy of a letter from the Home Office† suggesting the resumption of those negotiations and the submission to the Brazilian Government of a draft treaty in the form enclosed herewith. A copy of the despatch from His Majesty's Chargé d'Affaires at Montevideo,† referred to in the Home Office letter, is also enclosed for your information.

* Articles 17-19 of the Treaty are printed here.

† Not printed.

2. I shall be glad if Your Excellency will accordingly approach the Brazilian Government, and submit for their early consideration copies of the draft treaty, adding that, should it meet with their acceptance, His Majesty's Government will be pleased to proceed to the conclusion of the treaty.

3. It may be necessary to add subsequently a provision in Article 17 of the draft extradition treaty defining the position of Ireland after the constitution of the Irish Free State; and you should explain this to the Brazilian Government in making this communication.

I am, &c.,
(For the Secretary of State)
G. H. VILLIERS.

His Excellency
The Right Honourable
Sir J. A. C. Tilley, K.C.M.G., C.B.,
&c., &c., &c.,

Enclosure 3 in No. 59.

(N. T. 9693/1875/350.)

SIR, Foreign Office, S.W.1, 29th August, 1922.

On the 2nd September, 1920, I had the honour to transmit to you copies of a draft extradition treaty, for the consideration of the Government of Finland, with a view to the conclusion of a treaty arrangement to regulate the surrender of fugitive criminals between Great Britain and the Republic of Finland.

2. It appears to His Majesty's Government that it would be very desirable to bring to a conclusion at as early a date as possible, the negotiations for the proposed treaty, and I should be glad if you would be so good as to inform me whether the Government of Finland have yet been able to give their consideration to the matter. At the same time I take the opportunity to transmit to you prints of the draft treaty which has, in the meantime, been amended in certain particulars so as to give fuller and more definite scope to the proposed arrangement. I have the honour to request that in communicating these prints to your Government you will inquire whether the draft now submitted meets with their approval, and to add that in this event I shall be happy to take the necessary steps with you for the signature and completion of the treaty in due form.

3. It may be necessary subsequently to include in Article 17 of the draft a provision defining the position of Ireland after the constitution of the Irish Free State, but any such adjustments of the text can be made on my learning from you that the Government of Finland approve it in other respects.

I have, &c.,
(For the Secretary of State)
G. H. VILLIERS.

Monsieur Casian Donner,
&c., &c., &c.,

Enclosure 4 in No. 59.

*Draft Treaty between the United Kingdom and for the Mutual
Surrender of Fugitive Criminals.*
(Extract.)

ARTICLE 17.

The stipulations of the present treaty shall be applicable, so far as the laws permit, to all His Britannic Majesty's Dominions beyond the Seas, except to the self-governing Dominions hereinafter named—that is to say, the Dominion of Canada, the Commonwealth of Australia (including for this purpose Papua and Norfolk Island), the Dominion of New Zealand, the Union of South Africa, and Newfoundland—and India, provided always that the said stipulations shall be applicable to any of the above-named self-governing Dominions or India in respect of which notice to that effect shall have been given on behalf of the Government of such self-governing Dominion or India by His Britannic Majesty's Representative at , and provided also that it shall be competent for either of the

Contracting Parties to terminate separately the application of this treaty to any of the above-named self-governing Dominions or India by a notice to that effect not exceeding one year and not less than six months.

ARTICLE 18.

The requisition for the surrender of a fugitive criminal, who has taken refuge in any of His Britannic Majesty's self-governing Dominions, Colonies, or Possessions to which this treaty applies, shall be made to the Governor-General, Governor, or chief authority, of such self-governing Dominion, Colony, or Possession by the chief consular officer of in such self-governing Dominion, Colony or Possession.

Such requisition may be disposed of, subject always, as nearly as may be, and so far as the law of such self-governing Dominion, Colony, or Possession will allow, to the provisions of this treaty, by the said Governor-General, Governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to His Britannic Majesty's Government.

Requisitions for the surrender of a fugitive criminal emanating from any self-governing Dominion, Colony, or Possession of His Britannic Majesty shall be governed, as far as possible, by the rules laid down in the preceding Articles of the present treaty.

ARTICLE 19.

It is understood that the stipulations of the two preceding Articles apply in the same manner as if they were Possessions of His Britannic Majesty, to the following British Protectorates, that is to say, the Bechuanaland Protectorate, Gambia Protectorate, Kenya Protectorate, Nigeria Protectorate, Northern Rhodesia, Northern Territories of the Gold Coast, Nyasaland, Sierra Leone Protectorate, Solomon Islands Protectorate, Somaliland Protectorate, Southern Rhodesia, Swaziland, Uganda Protectorate and Zanzibar.

It is also understood that if, after the signature of the present treaty, it is considered advisable to extend its provisions to any British protectorates other than those mentioned above, or to any British-protected State, or to any territory in respect of which a mandate on behalf of the League of Nations is being exercised by the government of any part of His Britannic Majesty's Dominions, the stipulations of the two preceding Articles shall be deemed to apply to such protectorates or states or mandated territories from the date prescribed in the notes to be exchanged for the purpose of effecting such extension.

It is further understood that the provisions of the present treaty which apply to British subjects shall be deemed also to apply to natives of any British Protectorate or protected state or mandated territory to which the stipulations of the two preceding articles apply or shall hereafter apply

43638

No. 60.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Commonwealth of Australia.) (Confidential.)
(New Zealand.) (Confidential. (2))
(Union of South Africa.) (Confidential.)

[MY LORD,] [SIR,]

Downing Street, 8th September, 1922.

WITH reference to [Your Excellency's Confidential despatch of the 13th of June, 1921,*] [Your Excellency's Confidential despatch of the 9th of May, 1921,†] [my predecessor's Confidential despatch of the 27th of January, 1921,‡] and to my Confidential despatch, Dominions No. 341, of the 8th of September,§ regarding the proposed conclusion of Extradition Treaties with Bulgaria, Czechoslovakia, Estonia, Poland, Brazil and Finland, [your] [Your Royal Highness's] Ministers will observe that provision is made in Article 19 of the draft Treaty for its extension to Mandated Territories.

I have, &c.,
WINSTON S. CHURCHILL.

* No. 98 in Dominions No. 81. † No. 97 in Dominions No. 81. ‡ No. 96 in Dominions No. 81.
§ No. 59.

51968

No. 61.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 382. Confidential.)

[MY LORD.] [SIR,]

Downing Street, 23rd October, 1922.

WITH reference to my Confidential despatch Dominions No. 341 of the 8th of September,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a telegram from His Majesty's Minister at Sofia regarding the negotiation of an extradition treaty with Bulgaria and of a despatch in reply instructing him to defer approaching the Bulgarian Government in the matter.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 61.

FROM MR. ERSKINE (Sofia).

(Received 3.0 p.m., 12th September, 1922.)

12TH SEPTEMBER. No. 42. Your despatch No. 265.

I presume it has not been overlooked that negotiation of extradition treaty implies abolition of capitulations, which we still enjoy theoretically, see Foreign Office memorandum of 11th July.

Enclosure 2 in No. 61.

(No. 308.)

SIR,

Foreign Office, S.W.1, 16th October, 1922.

WITH reference to your telegram No. 42 of the 12th ultimo, I have to inform you that I have been in communication with the Secretary of State for the Home Department, who, in the circumstances explained in your letter, does not wish to press for an extradition treaty with Bulgaria.

2. As the proposed treaty would involve the question of the capitulations, the principle of which His Majesty's Government do not desire at present to abandon, I should be glad if you would defer approaching the Bulgarian Government in the matter.

I am, &c.,

(For the Secretary of State)

H. MONTGOMERY.

The Honourable

W. A. F. Erskine, M.V.O.,
&c. &c. &c.

* No. 59.

FINLAND.

(1) Proposed Commercial Agreement.

57130

No. 62.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 10th February, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 15th November,* relative to the contemplated exchange of notes to regulate temporarily commercial relations between the United Kingdom and Finland.

2. In view of the stipulations included in the contemplated agreement with regard to the application of the Safeguarding of Industries Act, it would be difficult in any case to frame for insertion in the agreement provisions for its eventual extension, if so desired, to the Dominions and Colonies. The altered circumstances as regards Ireland render it necessary, however, to consider whether the contemplated agreement should apply even to the whole of the United Kingdom. Mr. Churchill is of opinion that His Majesty's Government should not of their own motion include Southern Ireland in any commercial agreement under negotiation with a foreign country now that there has come into existence in Southern Ireland an authoritative body responsible for the government of Southern Ireland. He is further of the opinion that this course should be followed also in respect of Northern Ireland, until Northern Ireland has declared under the provisions of the Irish Treaty whether or not she will form part of the Irish Free State.

3. Mr. Churchill would accordingly urge that steps should be taken to confine the scope of the contemplated agreement with Finland to Great Britain, and in the circumstances he would not propose that any action should be taken at present with a view to its eventual extension to other parts of the Empire.

4. A copy of this letter has been sent to the Board of Trade.

I am, &c.,

C. T. DAVIS.

(2) Proposed Tonnage Measurement Agreement.

4143

No. 63.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 5.15 p.m., 18th July, 1922.)

TELEGRAM.

[Answered by Nos. 64, 65, 66, 67, 68.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

18TH JULY. My despatch 29th December, 1920, Dominions No. 521†; Tonnage Regulations in Finnish Merchant Shipping Bill passed 18th October, 1920, found to conform substantially with those of this country. As interim measure proposed to revive declaration of 9th June, 1882, so far as concerns British vessels registered in Great Britain and ports of Great Britain only, but for the future most desirable course appears to be to negotiate new comprehensive agreement on lines of draft agreement with Japan, see my despatch 26th July, 1918, Confidential.‡ Question arises as to providing for inclusion of Dominions in new agreement. What are views of your Government?—SECRETARY OF STATE FOR THE COLONIES.

* No. 94 in Dominions No. 81.

† No. 174 in Dominions No. 75.

‡ No. 148 in Dominions No. 81.

38357

No. 64.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.0 p.m., 3rd August, 1922.)

TELEGRAM.

3RD AUGUST. Your telegram 18th July,* Finnish merchant vessels. My Ministers agree that most desirable course to be taken is to negotiate new agreement on lines of draft agreement with Japan, your despatch 26th July, 1918, Confidential,† and they desire that Canada should be included in new agreement.—BYNG.

39625

No. 65.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.25 a.m., 10th August, 1922.)

TELEGRAM.

10TH AUGUST. Your telegram 18th July.* Government of New Zealand willing to participate in proposed agreement between Great Britain and Finland for the mutual recognition of tonnage regulations merchant shipping on same conditions as are contained in it with regard to Great Britain, and does not require that special provision for withdrawal should be made as far as New Zealand is concerned.—JELICOR.

40398

No. 66.

NEWFOUNDLAND.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 3.35 a.m., 15th August, 1922.)

TELEGRAM.

14TH AUGUST. Your telegram 18th July,* Finnish Bill. Ministers desire to leave matter to decision of His Majesty's Government.—HORWOOD.

43517

No. 67.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.0 p.m., 30th August, 1922.)

TELEGRAM.

30TH AUGUST. Your telegram 18th July.* Agreement with Government of Finland regarding measurements of tonnage. Ministers request that South Africa be included in Agreement about to be negotiated, subject to termination in respect of British ships registered in Union on giving twelve months' notice.—ARTHUR FREDERICK.

* No. 63. † No. 148 in Dominions No. 81.

45326

No. 68.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.20 p.m., 11th September, 1922.)

TELEGRAM.

11TH SEPTEMBER. Your telegram 18th July,* Finnish tonnage regulations Commonwealth of Australia concur in agreement on lines of draft agreement with Japan.—GOVERNOR-GENERAL.

60687

No. 69.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 424.)

[MY LORD,] [SIR,]

Downing Street, 13th December, 1922.

WITH reference to my predecessor's telegram of the 18th of July,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of the draft of the proposed agreement with Finland respecting tonnage measurement, which has been communicated to the Finnish Government.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 69.

DRAFT AGREEMENT.

His Britannic Majesty's Government and the Finnish Government have agreed as follows:—

The Finnish Government, in view of the fact that the existing laws and regulations of Great Britain in regard to measurement of tonnage of merchant ships are in substantial agreement with those of Finland, hereby signify their readiness that they will deem the British ships, whose certificates of registry and other national papers duly issued by the competent British authorities are dated on or after the 1st January, 1895, to be of the tonnage denoted in the said documents and exempt such ships from being remeasured in any port or place within the Finnish territory, or in localities under the control of Finland, on condition that His Britannic Majesty's Government will engage that similar treatment shall be accorded to ships which have their ports of registry either in the territories of Finland, or in other localities under the control of Finland, and which are equipped with certificates of registry or other national papers duly issued by the competent Finnish authorities on or after the 2nd January, 1921, and that such ships shall be exempted from being remeasured in any place within His Britannic Majesty's Dominions or under His Britannic Majesty's protection or control.

Either of the contracting Governments may, on giving to the other twelve months' notice to that effect, terminate this agreement either as a whole or separately in respect of any of the following parts of His Britannic Majesty's Dominions, viz., the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, Newfoundland, and His Majesty's Indian Empire.

In the event of the agreement being terminated in respect of any such part of His Britannic Majesty's Dominions, the agreement shall cease to apply to British ships registered therein.

In witness whereof the Undersigned have signed the present agreement, and have affixed thereto their seals.

Done at Helsingfors, the _____ day of _____, 1922.

* No. 63.

FRANCE.

(1) Anglo-French Relations and Proposed Anglo-French Defence Pact.

Note.—The history of the negotiations on the subject of the proposed Pact is given in a Foreign Office Memorandum Confidential 12099 of the 23rd March, 1923 (C.O. paper 15016/23, s). The subject was discussed at the Cannes Conference but negotiations were suspended owing to the fall of M. Briand, and the subsequent negotiations with M. Poincaré's Government led to no definite conclusion owing to the failure to fulfil the precedent condition that all outstanding questions should first be disposed of. The following correspondence with the Dominions took place in the course of negotiations.

2511/S

No. 70.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 10.45 p.m., 16th January, 1922.)

TELEGRAM.

[Answered by No. 73.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)
(Extract.)
(Paraphrase.)

FOLLOWING from Mr. Lloyd George for your Prime Minister:—

Begins: Negotiations regarding the Anglo-French Treaty are suspended temporarily owing to the fall of the Briand Government in France. On my way home from Cannes I saw Poincaré in Paris, and told him that the change of government in France did not, of course, affect British policy in regard to treaty and other matters discussed at Cannes. Poincaré explained that as his government was not yet formed he could only state his views personally and provisionally. He then proceeded strongly to press for reinforcement of the treaty by a military convention binding us as to the forces that should be maintained in peace. This, I said, would be entirely against spirit of British policy, and also against public opinion both in Britain and Dominions. Should German disarmament prove illusory, such a convention might be desirable, but there was no ground for it in facts or even potentialities of the present situation. France could rely on Britain's promise to stand by her in case of direct and unprovoked invasion by Germany. If Britain's word seemed insufficient to her, further discussion would be unprofitable, and draft treaty would be withdrawn. Poincaré said that as soon as his Cabinet had had time to consider the matter he would communicate with us. He also stated that the limitation of the treaty to ten years might be inconvenient, and I promised to consider any representations he might make on that point. Possibly he is too far committed to Chauvinists by his recent speeches and articles to be able to modify attitude which he adopted in interview, but whole political situation in France is uncertain. It is our intention to adhere to the principles of policy set out in the memorandum* handed last week to Briand; this was based on discussions at the recent Imperial Conference. Secretary of State is sending by mail texts of this and similar memorandum† presented to Italy, and of draft Franco-British Treaty.‡

—Message Ends.

—CHURCHILL.

* A.J. 323.

† A.J. 338.

‡ A.J. 320

2511/S

No. 71.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 2.55 p.m., 18th January, 1922.)

TELEGRAM.

[Answered by Nos. 72 and 74.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

18TH JANUARY. My telegram 16th January.* Following are operative clauses of draft Anglo-French Treaty:—

Begins: (1) In the event of direct and unprovoked aggression against soil of France by Germany, Great Britain will immediately place herself at side of France with her naval, military and air forces. (2) High Contracting Parties reassert their common interest in Articles 42, 43, 44, Versailles Treaty, and will consult together should any breach of them be threatened or any doubt arise as to their interpretation. (3) High Contracting Parties undertake further to concert together in event of any military, naval or air measures inconsistent with Versailles Treaty being taken by Germany. (4) Present Treaty shall impose no obligations upon any of Dominions of British Empire, unless and until it is approved by Dominion concerned. (5) This Treaty shall remain in force for period of ten years, and shall, if approved by both parties, be renewable at end of that period. *Ends.*

Full text follows by mail.—SECRETARY OF STATE FOR THE COLONIES.

2998/S

No. 72.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.20 a.m., 19th January, 1922.)

TELEGRAM.

(Paraphrase.)

19TH JANUARY. Draft Anglo-French Treaty. My Prime Minister asks me to inform you that in this matter the Government of New Zealand is in complete accord with His Majesty's Government, and cordially approves of the draft of the operative clauses as outlined in your telegram of 18th January.†—JELlicoe.

2999/S

No. 73.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.15 a.m., 19th January, 1922.)

TELEGRAM.

(Extract.)
(Paraphrase.)

19TH JANUARY. Please transmit following message to Mr. Lloyd George from Mr. Massey in reply to your telegram of 16th January*:—

* No. 70.

† No. 71.

Begins: I wish to thank you for your message regarding the political position in France, and its bearing on the negotiations for an Anglo-French Treaty which have been in progress. That recent events should have caused a temporary suspension of these negotiations is a matter for regret, but it is my earnest hope that there may be maintained between the two nations an amicable understanding.

—JELlicoe.

4701/S

No. 74.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.10 p.m., 29th January, 1922.)

TELEGRAM.

(Paraphrase.)

28TH JANUARY. My Prime Minister asks me to transmit the following personal message for Mr. Lloyd George:—

Begins: I think it right and proper to inform you of the views which I and my colleagues take of the proposed Anglo-Belgian* and Anglo-French treaties, of which we have received the drafts. We heartily approve your statesmanlike efforts towards the financial and economic reconstruction of Europe, and the general reduction of military burdens on peoples. But both from the point of view of the British Empire and of the general interests of the world we consider the price too great if French support for your plans could be secured only by means of a prolonged military alliance. This raises a fundamental issue for the Empire which may vitally affect its future. The position so far as South Africa is concerned remains the same as that explained by my predecessor in his correspondence with you at Paris. There is no prospect of the treaties being ratified by the Union Parliament, and we do not propose to submit them for the purpose. But a grave situation may arise if some States of the Empire are bound to action, while others are free in a far-reaching military alliance of this description. Under such circumstances, were a European war to break out during the next ten years, the alliance might mean the dissolution of the British Empire. In our opinion it is only at an Imperial Conference, where the whole subject is thoroughly considered, that a departure in policy which may carry such consequences should be decided on.

By exceptional good fortune, the British Empire has just escaped from the Japanese Alliance; the proposal now is that we should enter into another alliance which may in future become even more embarrassing. The case for this proposed Anglo-French treaty is really not as good as that for the earlier treaty with France, under which the United States of America was to be our partner; in the case of that treaty the League of Nations could limit its duration. At that time the disarmament of Germany was not yet complete, and France had not yet stood forth as the great military power in Europe. Now, when France does not require the guarantee against the aggression of Germany and looks upon it as an insult, the treaty is to be renewed, and French Government definitely propose that it shall have the form of a prolonged reciprocal military alliance, pure and simple, between France and Great Britain against Germany.

I need not point out that such a military alliance would be a plain denial of the new spirit among nations, would be a reversion to those evil practices by which the Great War was brought about, and would become a precedent for alliances of a similar nature among other nations. Thus the British Empire would have put itself into the invidious position of having led the reaction, when, from its professed ideals and great position, it should have assumed moral leadership among the nations. It is possible that the economic

* See No. 49.

reconstruction of Europe may not materialise; in that case the only tangible result may be our alliance with a state whose present reactionary policy fills with alarm both Europe and America, and creates special danger for the British Empire. It is with the utmost reluctance that we have come to the conclusion that before a final decision is reached we ought to make the position of South Africa clear, in view of the fact that the New Zealand Government has notified you of her cordial approval of both treaties, and that silence on our part might be misunderstood. *Ends.*

—ARTHUR FREDERICK.

61951/S

No. 75.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.30 a.m., 15th December, 1922.)

TELEGRAM.

[Answered by No. 76.]

(Paraphrase.)

13TH DECEMBER. Secret. Your Secret telegram 11th December.* Following from my Prime Minister for Prime Minister.

Begins: Secretary of State for the Colonies has sent me message regarding the results of the London Reparations Conference. I sincerely trust that the French coercive proposals and further occupation of Germany will not be agreed to by British Government. Unwise policy of France in the Near East has already lost us fruits of the Great War in that region, and done grave damage to British prestige.

Poincaré seems bent on pursuing even more fatal policy as regards Germany. If this policy is persevered in the British Empire should be clearly and unequivocally dissociated from it, as ruin it will cause will not be confined to Central Europe. Lausanne Conference seems already to be leading to rehabilitation of Turkey, which must be severe threat to British interests. And if France succeeds in addition in dragging the British Empire into Central European catastrophe, results for us too will be most disastrous. In the summer of last year when similar drastic action over Upper Silesia question was threatened by France, Imperial Conference, which was then sitting, passed unanimous resolutions warning France of attitude of united British Empire. This was communicated to the French Ambassador by Lord Curzon, and immediately had great effect. If the position at adjourned Conference becomes desperate I suggest that similar united warning in name of the whole Empire should be made to France and should be followed if necessary by open dissociation from France. I would make this further suggestion that, while France threatens further occupation of Germany, practically tearing up Peace Treaty, no concession should be made her in respect of her War loan liability. War debts of Allies to Great Britain should be used as weapon to secure policy of real appeasement in Europe, and should only be forgone for that purpose and in that event. That reparation sum must be reduced to reasonable amount and moratorium granted against stabilization of mark is now generally admitted.

If Allies at Paris Conference cannot agree on details, question should be remitted to Council of League or other impartial authority. It might be even politic for us to suggest President of the United States as arbitrator. Any remission of War debts which the British Government might be disposed to make should be conditional on France desisting from isolated coercive measures and agreeing with Allies to a policy of appeasement. Public opinion will universally approve policy of this sort. Only chaos and ruin, from which none will escape, least of all France, will be produced by Poincaré's policy. *Ends.*

—ARTHUR FREDERICK.

* 61554/S.: not printed; it summarized the proceedings at the Conference of Allied Prime Ministers held in London from the 9th to the 11th December, 1922.

61951/S

No. 76.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 9.35 p.m., 18th December, 1922).

TELEGRAM.

(Paraphrase.)

SECRET. Following for General Smuts from Prime Minister.

Begins: Many thanks for your telegram of 13th December.* You will see from the Press summary of my speech last week in the House of Commons on the Reparations Conference, which I hope you have seen and had time to read, that British Government's view on many of the points you raise coincides with your own. I am not hopeful of the result of the Conference which it is proposed to hold in Paris on the 2nd January, and, indeed, to me the only chance of success appears to depend on American intervention, and that is very unlikely.

I will certainly take into consideration your suggestion regarding a declaration in the name of all Dominions as well as of Great Britain. When the Conference of Prime Ministers was sitting this was easy; but when explanations had to be made by cable, probably without a long interval being available, such a declaration would, I fear, be difficult to arrange. *Ends.*

—DEVONSHIRE.

(2) Commercial Convention of 1882.

59098

No. 77.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 78.]

(Extract.)

SIR,

Downing Street, 17th February, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 26th November, 1921,† regarding the application to the Dominions and Colonies of each party of the Convention of 1882 between the United Kingdom and France, and to express his regret that it has not been found possible to furnish a reply at an earlier date.

2. The title of the 1882 Convention is "Convention between Great Britain and France to regulate the . . . relations between the two countries," and the preamble is similarly worded. In the 1903 "Return of most-favoured-nation clauses in existing Treaties of Commerce and Navigation between Great Britain and Foreign Powers"[Cd. 1807], no suggestion is made that the Convention is applicable, on the British side, except in respect of the United Kingdom: on the contrary, the footnote on page 13 of the Return makes it clear that Article I, paragraph 2, of the Convention was not construed as referring to the Colonies. Further, when the measures to carry out Resolution XIX of the Imperial Conference of 1911 were under consideration, the Convention was not included in the "List of Treaties binding on the Dominions" supplied in the letter from the Foreign Office of the 18th July, 1911,‡ which, it is understood, was prepared, in consultation with the Board of Trade. Lastly, it is clear from the First Report (page 2) and the Third Report (page 5) on Commercial Treaties, drawn up by Mr. G. J. Stanley, C.B., C.M.G., in 1917 and 1918, that he also took the view that the application of the 1882 Convention was limited, on the British side, to the United Kingdom.

3. On the other hand, it is to be presumed, in accordance with the opinions given by the Law Officers of the Crown in 1899 and 1911,§ that the benefits of Article X extend, so far as France and Algeria are concerned, to all British subjects.

* No. 75.

† No. 99 in Dominions No. 81. ‡ No. 212 in Dominions No. 39. § Nos. 206A and 232A in Vol. V., and No. 137 in Vol. VII. of Law Officers' Opinions.

The position in this respect was explained to the Dominions and Colonies in Mr. Chamberlain's Circular despatch of the 2nd December, 1899,* of which a copy is enclosed, and the same point has arisen on various occasions since that date: it was, for instance, referred to in Lord Milner's Confidential telegram of the 16th December, 1920,† regarding the Agreement with Germany as to restitution of property under Article 297 of the Treaty of Versailles: a copy of this telegram is enclosed.

4. Under this view of the position, no question of inequality as between the two parties, whether substantial or formal, arises on the present occasion, as French citizens connected with the French Colonies obtain the same privileges in the United Kingdom as British subjects connected with the Dominions and Colonies obtain in France. The position is, in fact, the same as under the recent agreement for waiving visas on passports of British subjects and French citizens travelling to France and the United Kingdom, respectively, a feature of which is that it applies irrespective of the part of the world from which the traveller comes.

5. As regards the denunciation of the Convention by the French Government, Mr. Churchill has no objection to Mr. Piesse being informed of the position as proposed in your letter.

I am, &c.,

C. T. DAVIS.

12508

No. 78.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 16th March, 1922.)

(Extract.)

Board of Trade (Commercial Relations and Treaties Department),
Great George Street, London, S.W.1, 15th March, 1922.
SIR,
WITH reference to your letter of the 17th February,‡ regarding the application to the Dominions and Colonies of each party of the Convention of 1882, between the United Kingdom and France, I am directed by the Board of Trade to state that they are, in all the circumstances, disposed to concur in the views expressed in your letter.

I have, &c.,

H. FOUNTAIN.

17086

No. 79.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 11th April, 1922.)

[Answered by No. 80.]

Board of Trade (Commercial Relations and Treaties Department),
Great George Street, London, S.W.1, 10th April, 1922.
SIR,
WITH reference to previous correspondence ending with your letter of the 24th March,§ regarding the application to the Dominions and Colonies of each party of the Convention of 1882 between the United Kingdom and France, I am directed by the Board of Trade to forward herewith, for the information of Mr. Secretary Churchill, copy of the letter on this subject which they have caused to be sent to His Majesty's Senior Trade Commissioner in Australia.
A copy of the enclosed letter has also been sent to Mr. T. D. Dunlop (His Majesty's Consul at Nouméa) with whom Mr. Piesse communicated in the first instance.

I have, &c.,

J. J. WILLS.

* 30482. † No. 348 in Dominions No. 75. ‡ No. 77. § 12508: not printed; it expressed concurrence in the terms of the proposed letter to His Majesty's Senior Trade Commissioner.

Enclosure in No. 79.

Department of Overseas Trade (Development and Intelligence).
 SIR, 35, Old Queen Street, London, S.W.1, 31st March, 1922.
 I AM directed by the Board of Trade to enclose, for your information, copy of a letter* from His Majesty's Consul at Nouméa (New Caledonia) in which he forwards an inquiry by Mr. E. L. Piesse, of the Prime Minister's Department at Melbourne, regarding the Convention of 1882 between this country and France.

2. The matter has been very carefully considered by the Board of Trade in consultation with the Colonial Office, and the following conclusion has been come to, which I am to request you to communicate to Mr. Piesse.

3. His Majesty's Government have never regarded, and do not now regard, this Convention or any of its provisions as applying to the Oversea Dominions and Colonies. The Convention is defined in the preamble as "A Convention to regulate the commercial and maritime relations of the two countries, as well as the status of their subjects," and it is the opinion of His Majesty's Government that the word "Dominions" in Article X must be construed by reference to the remaining provisions of the Convention: that is to say, it cannot be held to apply to the Oversea Dominions. So far as Australia is concerned, the point does not appear to be one of any practical importance, since Australia has adhered to the International Convention for the protection of industrial property signed in Paris in 1883.

4. It is, of course, understood that the benefits of Article X would be enjoyed in France and Algeria by all British subjects, no matter in what part of the Empire they reside, and that, conversely, all French citizens, whether residing in France itself or in any of the French overseas possessions, would enjoy the benefits of Article X in the United Kingdom.

5. The Convention has been denounced by the French Government, and is now terminable on three months' final notice being given by either party.

I am, &c.,

R. W. MATTHEW,
 For the Comptroller General.

His Majesty's Senior Trade Commissioner,
 Melbourne.

17086

No. 80.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 2nd September, 1922.

WITH reference to your letter of the 10th of April,† and previous correspondence relative to the question whether the Anglo-French Convention of 1882 is in force in the Dominions and Colonies, I am directed by Mr. Secretary Churchill to transmit to you, to be laid before the Board of Trade, a copy of a letter from the Foreign Office, dated the 10th of June, 1918, advising that it is clear from the correspondence relating to the negotiation of the Convention that it was not intended that its provisions should apply to the Colonies of either party.

I am, &c.,

C. T. DAVIS.

Enclosure in No. 80.

SIR,

Foreign Office, S.W.1, 10th June, 1918.

I AM directed by Mr. Secretary Balfour to acknowledge the receipt of your letter of the 23rd ultimo, in which, in connexion with the claim of the French Vice-Consul in Trinidad for exemption from payment of the local War Contribution Tax, you inquire whether Article XI of the Anglo-French Convention of 28th February, 1882, can be considered to be in force in that Colony.

I am to state for the information of Mr. Secretary Long that the correspondence relating to the negotiation of the Convention has been examined, and that it appears clear that the stipulations of the Convention are not intended to apply generally

* Not printed; its substance was given in No. 90 in Dominions No. 81. † No. 79.

to the Colonies of either of the contracting parties. It further appears that in the draft submitted by His Majesty's Government, an Article was inserted to make the Convention applicable to Colonies, but was rejected altogether by the French Government.

Article XI of the Convention was included in the British draft, as its provisions appeared to be necessary in order to secure complete personal most-favoured-nation treatment for subjects. In the case of a British Colonial subject in France, its benefits could be claimed for him as a British subject *eo nomine*, but it is not thought that His Majesty's Government could claim those benefits on behalf of a British subject in a French Colony, to which the stipulations of the Convention do not apply.

Mr. Balfour is of opinion therefore that Article XI of the Convention is not in force in Trinidad.

I am, &c.,

W. LANGLEY.

The Under-Secretary of State,
 Colonial Office.

(3) Commercial Relations with Canada.

(Treaty Series 1921, No. 6.)

4516

No. 81.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 64.)

MY LORD,

Downing Street, 3rd February, 1922.

WITH reference to my despatch No. 591 of the 26th October, 1921,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a despatch from His Majesty's Consul at Nouméa regarding the application of the Trade Agreement between France and Canada to New Caledonia.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 81

(No. 36.)

SIR,

British Consulate, Noumea, New Caledonia,

25th November, 1921.

I HAVE the honour to report that the Journal Officiel of New Caledonia of the 22nd October published a decree dated at Noumea the 12th October promulgating in New Caledonia and dependencies the Paris decree of the 12th March, 1921, approving and publishing the terms of the commercial agreement between France and Canada, signed at Paris on the 29th January, 1921. By this Noumea decree of the 12th October the application of the agreement is extended to New Caledonia.

A copy of the decree has been sent to His Excellency the Governor-General of Australia, and also to His Excellency the Governor-General of New Zealand.

I have, etc.,

T. D. DUNLOP,
 His Majesty's Consul.

The Under Secretary of State,
 Foreign Office.

* No. 103 in Dominions No. 81.

30478

No. 82.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 26th June, 1922.)

(No. 334.)

SIR, Government House, Ottawa, 14th June, 1922.
 WITH reference to your despatches, No. 250 of the 16th ultimo and No. 156 of the 24th March, 1921,* asking for the return of the original of the Franco-Canadian Commercial Agreement signed at Paris on the 29th January, 1921, I have the honour to enclose the original document herewith.

I have, &c.,
 BYNG OF VIMY.

54346

No. 83.

MR. W. S. FIELDING (MINISTER OF FINANCE, CANADA) TO THE DUKE OF DEVONSHIRE.

(Received 1st November, 1922.)

MY LORD DUKE, Claridge's Hotel, Paris, 30th October, 1922.
 I AM in Paris for the purpose of continuing negotiations begun with our Government by the French Consul-General at Montreal several months ago, with a view to better commercial relations between France and Canada. Before coming to Paris I called at the Colonial Office and explained my mission to the officials of the Department, who kindly agreed to ask for me the co-operation of the Foreign Office. Since my arrival in Paris I have seen His Majesty's Ambassador, Lord Hardinge, and have explained the situation to him.

I am now in a position to state that there is every probability that my negotiations with the French Government will reach a satisfactory conclusion. As it is desirable that the agreement which may be made shall take the form of a treaty, I have the honour to ask that the necessary authority for the negotiation of a treaty be issued through the Foreign Office.

In the year 1907 I was entrusted by our Government at Ottawa, along with another Canadian Minister, with a similar mission, and a treaty was then made with France. His Majesty was advised to issue authority to my Canadian colleague and myself for the negotiation of the treaty, and we were associated for the purpose with His Majesty's Ambassador at Paris of that day, the late Lord Bertie. My recollection is that no special commission was deemed necessary in the case of the Ambassador, as his general powers covered all needed authority, but a special commission was issued to my Canadian colleague and myself. I assume that the procedure now will be substantially the same. I shall be glad if the good services of the Colonial Office and Foreign Office can now be given in a similar way.

The authority desired is to myself, as Minister of Finance, and to my colleague, Hon. Ernest Lapointe, Minister of Marine and Fisheries. Mr. Lapointe is at present in Geneva, attending the International Labour Conference, but will probably be here in time to sign the treaty.

I hope that the communications that I have already had with the Colonial Office will be deemed sufficient for the purpose. If, however, there is any matter in which either the Colonial or Foreign Office desires further information on the subject, I shall, on receipt, of a telegram, proceed to London immediately.

I have, &c.,
 W. S. FIELDING.

* 51714 reminder; not printed, and No. 101 in Dominions No. 81.

54346

No. 84.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 85.]

SIR, Downing Street, 3rd November, 1922.
 WITH reference to your letter of the 25th October,* and previous correspondence, I am directed by the Duke of Devonshire to transmit to you, to be laid before the Marquess Curzon of Kedleston, a copy of a letter† from the Honourable W. S. Fielding, Minister of Finance, Canada, regarding the negotiations now in progress with the French Government for the conclusion of a commercial agreement.

2. The Secretary of State would be glad if arrangements could be made to prepare as soon as possible and send to His Majesty's Ambassador at Paris, Full Powers enabling Mr. Fielding, and his colleague, Mr. Lapointe, to sign any treaty or convention arising out of the present negotiations.

It will be noted that Mr. Fielding desires that His Majesty's Ambassador at Paris should be associated with the Canadian representatives in the signature of the Treaty. The Duke of Devonshire assumes that the Full Power already in possession of His Majesty's Ambassador is sufficient for this purpose.

3. The full style and title of the two Canadian Ministers are:—

The Honourable William Stevens Fielding, LL.D., D.C.L., Minister of Finance, and

The Honourable Ernest Lapointe, B.A., LL.B., K.C., Minister of Marine and Fisheries.

I am, &c.,
 C. T. DAVIS.

55590

No. 85.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 10th November, 1922.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of a despatch to His Majesty's Ambassador at Paris, on the subject of the Franco-Canadian Commercial Agreement.

Reference to previous correspondence: Colonial Office letter, of 3rd November, 1922.†

Foreign Office,
 9th November, 1922.

Enclosure in No. 85.

(No. 3348.)

MY LORD, Foreign Office, S.W.1, 8th November, 1922.
 WITH reference to my despatch, No. 3219 of the 25th ultimo, I transmit herewith a copy of a letter from the Colonial Office regarding the negotiations now in progress in Paris for the conclusion of a commercial agreement between the Governments of France and Canada.

2. In accordance with the Canadian desire, I request that Your Lordship as well as the Canadian representatives will sign the treaty when the time comes. In the meanwhile you will doubtless notify me if any points of interest to His Majesty's Government arise in the course of the negotiations.

3. The Full Powers for the Canadian representatives will be sent to Your Lordship for delivery to Mr. Fielding and Mr. Lapointe as soon as they have been prepared.

I am, &c.,
 (For the Secretary of State)
 G. H. VILLIERS.

His Excellency
 The Lord Hardinge of Penshurst, K.G., G.C.B.,
 &c., &c., &c.,

* 53111: not printed; it forwarded a copy of a despatch to His Majesty's Ambassador at Paris, asking him to afford Mr. Fielding his assistance in the negotiations with the French Government.

† No. 83. ‡ No. 84.

63074

No. 86.

SIR J. MASTERTON SMITH (COLONIAL OFFICE) to MR. W. S. FIELDING
(MINISTER OF FINANCE, CANADA).

DEAR MR. FIELDING,

Downing Street, 23rd December, 1922.

WE understand from the Foreign Office that you brought with you from Paris the signed copy of the Commercial Convention between France and Canada, and they have asked whether we can obtain it and forward it to them for the purpose of the ratification formalities.

If you see no objection, I should be much obliged if you would be so good as to forward the Convention to me at the Colonial Office. I may mention that we made a similar request* to the Canadian Government in connexion with the signed original text of the Convention providing for the accession of Canada to the Real and Personal Property Convention with the United States, and they forwarded it to us.†

Yours sincerely,

J. E. MASTERTON SMITH.

63966

No. 87.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 30th December, 1922.

WITH reference to your letter of the 21st December,‡ I am directed by the Duke of Devonshire to transmit to you, to be laid before the Marquess Curzon of Kedleston, the signed copy of the Commercial Convention between France and Canada recently concluded at Paris.

2. It will be recollected that no steps are to be taken for the ratification of the Convention until it has been approved by the French Chambers and by the Parliament of Canada.

I am, &c.,

C. T. DAVIS.

(4) Convention relating to Legal Proceedings in Civil and Commercial Cases.
(Treaty Series 1922, No. 5.)

36447

No. 88.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 89, 90 and 91.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 254).

[MY LORD.] [SIR,]

Downing Street, 25th July, 1922.

WITH reference to my despatch, Dominions No. 178 of the 7th of June,§ forwarding copies of the Convention between the United Kingdom and France respecting legal proceedings in civil and commercial matters, I have the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that I should be glad to learn whether it is desired that the Convention should be extended to [Canada.] [Australia, Papua and Norfolk Island.] [New Zealand.] [the Union of South Africa.] [Newfoundland.]

* See No. 266 in Dominions No. 81. † See No. 373. ‡ 63074: not printed; its effect is summarized in the first paragraph of No. 86. § 24736: not printed; it enclosed copies of Treaty Series No. 5 of 1922.

2. [To the Commonwealth of Australia, New Zealand and the Union of South Africa: I should also be glad to be informed whether it would also be desired, in the event of its being possible to make arrangements for the extension of the Convention to Mandated Territories, that it should be extended to [the Territory of New Guinea] [Western Samoa] [South West Africa.]]

I have, &c.,

WINSTON S. CHURCHILL.

50613

No. 89.

NEWFOUNDLAND.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 11th October, 1922).

(No. 127).

SIR,

Government House, St. John's, 25th September, 1922.

I HAVE the honour to acknowledge the receipt of your despatch, Dominions No. 254 of the 25th July,* on the subject of the Convention between the United Kingdom and France respecting legal proceedings in civil and commercial matters, and to inform you that my Ministers desire that the Convention should be extended to Newfoundland.

2. The Registrar of the Supreme Court of Newfoundland should be substituted for the Senior Master of the Supreme Court of Judicature in England, as the person to whom the request for service, etc., should be made.

I have, &c.,

W. H. HORWOOD.

55190

No. 90.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7th November, 1922).

(No. 536).

SIR,

Governor-General's Office, Pretoria, 12th October, 1922.

I HAVE the honour to transmit to you herewith, with reference to your despatch, Dominions No. 254 of the 25th July, 1922,* copy of a Minute from Ministers (with enclosures†) on the subject of the extension to the Union of South Africa and South-West Africa of the Convention between the United Kingdom and France respecting legal proceedings in civil and commercial matters.

I have, &c.,

ARTHUR FREDERICK.

Governor-General.

Enclosure in No. 90.

MINUTE No. 785.

Prime Minister's Office, 11th October, 1922.

MINISTERS have the honour to refer to Minute No. 48/1286 of the 18th August, 1922, from His Royal Highness the Governor-General, transmitting a despatch, No. 254 of the 25th July, 1922, from the Secretary of State for the Colonies on the subject of the extension to the Union and South-West Africa of the Convention between the United Kingdom and France respecting legal proceedings in civil and commercial matters, and to state that full provision is made in the Rules of the Supreme Court of South Africa for giving effect to Letters of Request received from foreign countries.

* No. 88.

† Not printed; they are specified in second paragraph of enclosure.

2. The Rules governing this subject were published in the Union Government Gazette of the 14th March, 1911, under Government Notice No. 447, and 5th December, 1911, under Government Notice No. 1948, copies of which are hereto attached for the information of His Royal Highness.

3. It will be seen that there is no necessity to notify the extension of the Convention to the Union in order to give judicial aid at the request of the French Courts, and Ministers would be glad to know whether in France reciprocal privileges are granted in respect of Letters of Request from the Union. If the Convention represents the only method by which litigants in the Union can enjoy reciprocal advantages in France, it would be desirable to accept the Convention on behalf of the Union Government, it being made clear that a notification to that effect will not necessitate the repeal or amendment of the existing Supreme Court Rules, under which the authorities of the Union could continue to act.

4. As regards the extension of the Convention to the Mandated Territory of South-West Africa, Ministers beg to state that the Rules of Court framed for the conduct of the proceedings of the High Court of South-West Africa contain provisions similar to those mentioned above, and copies of Government Notice No. 6, published in the South-West Africa Gazette of the 20th January, 1920, are also hereto attached for the information of His Royal Highness. If a formal notification is necessary to secure reciprocal advantages in France, it would be advisable therefor to extend the Convention also to South-West Africa.

N. J. DE WET.

57379

No. 91.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21st November, 1922).

(No. 277).

SIR,

Government House, Wellington, 6th October, 1922.

WITH reference to your despatch, Dominions No. 254, of the 25th July,* I have the honour to inform you that my Ministers advise me that the Government of New Zealand do not desire that the Convention with France respecting legal proceedings in civil and commercial matters should be extended, at present, to New Zealand, or to the Mandated Territory of Western Samoa.

I have, &c.,

JELLICOE.

Governor-General.

FREEDOM OF TRANSIT AND INTERNATIONAL WATERWAYS CONVENTIONS, 1921.

(League of Nations Treaty Series, Vol. VII, Nos. 171-174.)

(1) Ratification of Conventions.

10175

No. 92.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 3rd March, 1922.)

[Answered by No. 93.]

SIR,

Foreign Office, S.W.1, 2nd March, 1922.

WITH reference to your letter of the 17th December last† regarding the ratification by His Majesty The King of the Conventions relating to Freedom of Transit and Waterways and the Additional Protocol to the latter Convention agreed upon at Barcelona in March and April, 1921, I am directed by the Marquess Curzon

* No. 88.

† No. 118 in Dominions No. 81.

of Kedleston to state, for the information of Mr. Secretary Churchill, that certified copies of the Instruments approved by the Barcelona Conference have now been received through the Cabinet Offices.

2. I am to transmit a revised draft of the preamble and conclusion to the Instrument of Ratification, in which the words "or any territory under their authority" have been added after "... South Africa," in accordance with the suggestion contained in paragraph 5 (a) of your letter under reply.

3. With regard to the first sentence of paragraph 4 and paragraph 5 (b) of your Department's letter of the 17th December,* His Majesty's ratification, as drafted, already includes the ratification of the two Conventions and of the Additional Protocol to the Waterways Convention, accepting paragraph (a), on behalf of New Zealand and the ratification of the two Conventions only on behalf of the colonies not possessing responsible government and protectorates. The original signature on behalf of New Zealand is sufficient to bring that Dominion undoubtedly within the terms of the Instrument of Ratification, the other overseas Dominions not signatory to the Conventions being expressly excluded from His Majesty's ratification. Similarly Sir H. Llewellyn Smith's signature of the two Conventions covers the colonies and protectorates. The Colony of Newfoundland, which is not a member of the League of Nations, is, however, in an exceptional position, in view of the express statement made by Sir Hubert Llewellyn Smith at the Barcelona Conference on the 19th April, 1921; and for this reason a special Declaration that the ratification "shall be deemed to apply" to the colony has been inserted in the text of the revised draft.

4. In these circumstances I am to invite Mr. Churchill's concurrence in the draft Instrument of Ratification and the draft Declarations now enclosed, which have been carefully prepared to meet the requirements of individual members of the British Empire as well as those of the Empire as a whole; and I am to ask the favour of an early reply, in order that these Instruments may be sent as soon as possible to the Offices of the Cabinet, for deposit with the Secretariat of the League of Nations.

I am, &c.,

G. H. VILLIERS.

Enclosure 1 in No. 92.

DRAFT.

PREAMBLE AND CONCLUSION TO THE RATIFICATION OF THE CONVENTIONS AND PROTOCOL RESPECTING FREEDOM OF TRANSIT AND NAVIGABLE WATERWAYS, CONCLUDED AT BARCELONA ON 20TH APRIL, 1921.

GEORGE, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, etc., etc., etc. To all and singular to whom these presents shall come, Greeting:

Whereas, a Convention between Us and certain other Powers and States, relating to Freedom of Transit, was concluded and signed at Barcelona on the 20th day of April in the year of Our Lord one thousand nine hundred and twenty-one, by the Plenipotentiaries of Us and of other Powers and States duly and respectively authorized for that purpose, which Convention, with the Statute annexed thereto, is word for word, as follows:—

(Inseratur—in 2 texts—English and French.)

And whereas, a Convention between Us and other Powers and States relating to the Régime of Navigable Waterways of International concern was also concluded and signed at Barcelona on the 20th day of April in the year of Our Lord one thousand nine hundred and twenty-one by the Plenipotentiaries of Us and of other Powers and States duly and respectively authorized for that purpose, which Convention with the Statute and Additional Protocol annexed thereto, is, word for word, as follows:—

(Inseratur—in 2 texts—English and French.)

We, having seen and considered the Conventions, Statutes and Protocol aforesaid, have approved, accepted and confirmed the same in all and every one of their Articles and Clauses, as We do by these Presents approve, accept, confirm and ratify them for Ourselves, Our Heirs and Successors; engaging and promising upon Our Royal Word that we will sincerely and faithfully perform and observe all and

* No. 118 in Dominions No. 81.

singular the things which are contained and expressed in the Conventions, Statutes and Protocol aforesaid, and that We will never suffer the same to be violated by any one, or transgressed in any manner, as far as it lies in Our power. Provided, however, that this Our Ratification of the said Conventions, Statutes and Protocol shall not be deemed to apply in respect of Our Dominion of Canada, Our Commonwealth of Australia or Our Union of South Africa, or any territory under their authority, but shall be deemed to apply to Our Colony of Newfoundland. For the greater testimony and validity of all which, We have caused Our Great Seal to be affixed to these Presents, which We have signed with Our Royal Hand.

Given at Our Court of Saint James, the _____ day of _____ in the Year of Our Lord, one thousand nine hundred and _____ and in the year of Our Reign.

GEORGE R.I.

Enclosure 2 in No. 92.

DRAFT.

DECLARATION ACCEDING TO THE ADDITIONAL PROTOCOL TO THE CONVENTION ON THE RÉGIME OF NAVIGABLE WATERWAYS OF INTERNATIONAL CONCERN ON BEHALF OF THE COLONIES AND PROTECTORATES WHICH DESIRE TO ACCEDE TO THE PROTOCOL IN ITS FULL FORM (a).

THE Undersigned, His Britannic Majesty's Principal Secretary of State for Foreign Affairs, hereby declares that His Britannic Majesty accedes to the additional Protocol to the Convention on the Régime of Navigable Waterways of International Concern, concluded at Barcelona on 20th April, 1921, to the full extent indicated in paragraph (a) of that Protocol, for the following British Colonies and Protectorates:—

Newfoundland.
Bahamas.
Barbados.
British Guiana.
Jamaica (including Turks and Caicos Islands and Cayman Islands).
Leeward Islands.
Trinidad and Tobago.
Windward Islands.
Grenada.
St. Lucia.
St. Vincent.
Gibraltar.
Malta.
Cyprus.
Gambia Colony and Protectorate.
Sierra Leone Colony and Protectorate.
Nigeria Colony and Protectorate.
Gold Coast, Ashanti and Northern Territories of the Gold Coast.
Kenya Colony and Protectorate.
Uganda Protectorate.
Zanzibar.
St. Helena.
Ceylon.
Mauritius.
Seychelles.
Hong Kong.
Straits Settlements.
Fiji.
Gilbert and Ellice Islands Colony.
British Solomon Islands.
Tongan Islands.

Enclosure 3 in No. 92.

DRAFT.

DECLARATION ACCEDING TO THE ADDITIONAL PROTOCOL TO THE CONVENTION ON THE RÉGIME OF NAVIGABLE WATERWAYS OF INTERNATIONAL CONCERN ON BEHALF OF THE COLONIES AND PROTECTORATES WHICH DESIRE TO ACCEDE TO THE PROTOCOL IN ITS NARROWER FORM (b).

THE undersigned, His Britannic Majesty's Principal Secretary of State for Foreign Affairs, hereby declares that His Britannic Majesty accedes to the additional Protocol to the Convention on the Régime of Navigable Waterways of International Concern, concluded at Barcelona on 20th April, 1921, to the limited extent defined by paragraph (b) of that Protocol, for the following protectorate and territory:—

Nyasaland Protectorate.
Tanganyika Territory.

10175

No. 93.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 94.]

SIR,

Downing Street, 9th March, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 2nd March* with regard to the ratification of the Conventions relating to Freedom of Transit and Navigable Waterways and the Additional Protocol to the latter Convention agreed upon at Barcelona in March and April, 1921.

2. In the circumstances Mr. Churchill will not press the suggestion made in paragraph 5 (b) of the letter from this Department of the 17th December, 1921,† that the position as to New Zealand should be set out in a Declaration to the Secretariat of the League of Nations, provided that it is made clear to the League Secretariat that His Majesty's ratification includes ratification of both Conventions and the Additional Protocol (in its wider form) on behalf of New Zealand as a Member of the League.

3. As regards Newfoundland it is observed that the draft Instrument of Ratification provides for the ratification of the Additional Protocol (as well as the Conventions and Statutes) on behalf of Newfoundland, while provision is also made in the draft Declaration for accession to the Protocol in its wider form on behalf of the Island. In view of the fact that the Additional Protocol was signed by Sir H. Llewellyn Smith only on behalf of the United Kingdom and New Zealand, it would appear that the correct procedure to adopt in the case of Newfoundland is that of accession. Accordingly Mr. Churchill would suggest that, in lieu of the words "but shall be deemed to apply to our Colony of Newfoundland" in the Instrument of Ratification there should be substituted the words "but Our Ratification of the said Conventions and Statutes shall be deemed to apply to our Island of Newfoundland." It seems desirable also that the first Declaration should be amended by removing Newfoundland from the list of "Colonies and Protectorates" so that the Declaration would read "for Newfoundland and for the following British Colonies and Protectorates."

4. The question also arises whether some special provision for the Irish Free State should not be made in the ratification. Mr. Churchill's feeling on this point is that it would be desirable to leave it open to the Irish Free State to decide whether or not it will be a party to the three instruments in question, and he would suggest that this might be effected by adding a further proviso to the Instrument of Ratification on the following lines:—

"Provided further that this Our Ratification of the said Conventions, Statutes and Protocol shall not be deemed to apply to the Irish Free State, if notice to that effect shall be given within six months of its constitution."

I am, &c.,

C. T. DAVIS.

12346

No. 94.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 15th March, 1922.)

SIR,

Foreign Office, S.W.1, 14th March, 1922.

WITH reference to your letter of the 9th instant,* relative to the ratification of the Conventions relating to Freedom of Transit and Navigable Waterways and the Additional Protocol to the latter Convention agreed upon at Barcelona in March and April, 1921, I am directed by the Marquess Curzon of Kedleston to state, for the information of Mr. Secretary Churchill, that His Lordship concurs in the amendments proposed by Mr. Churchill to the text of the draft Instruments of Ratification of the Conventions and Protocol, with the exception of the suggested proviso relating to the Irish Free State.

2. No precedent can be found for a ratification which reserves the right to annul it in part in the event of a certain constitutional change taking place in the dominions of the ratifying state; and it seems unlikely that foreign powers would accept the addition to the Instrument of any clause of this nature. It will, moreover, be out of the question that any such clause should be attached to the ratification of the treaties recently concluded at Washington.

3. I am therefore to suggest that, if necessary, such informal arrangements may immediately be made with the Provisional Government of the Irish Free State as may be required to ensure that His Majesty's ratification may be given without delay in the case of the Barcelona Conventions, and, in the case of the treaties resulting from the Washington conferences, as soon as the question of ratification arises, in a form which will be legally binding upon the whole of Ireland both before and after the constitution of the Irish Free State.

I am, &c.,

G. H. VILLIERS.

Note.—The position of the Irish Free State in this connexion was considered by a Sub-Committee of the Irish Committee of the Cabinet (see Nos. 151 and 152).

32932

No. 95.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR.

(New Zealand. Confidential.)

(Newfoundland. Confidential.)

[MY LORD,] [SIR,]

Downing Street, 24th July, 1922.

WITH reference to [Your Excellency's telegram of the 29th November, 1921,†] [your Confidential despatch of the 5th October, 1921,‡] I have the honour to transmit to you, for the information of your Ministers, a copy of the King's ratification§ of the Conventions and Protocol respecting freedom of transit and navigable waterways, concluded at Barcelona on the 20th April, 1921, [To Newfoundland: together with a copy of a declaration acceding to the Protocol on behalf of Newfoundland and certain colonies and protectorates.]

2. Instructions are being sent to His Majesty's Consul at Geneva to attend the formal ceremony of the deposit of ratifications at the Secretariat-General of the League of Nations, and to sign the protocol of deposit on that occasion on behalf of His Majesty's Government.

[3. To New Zealand: It has been made clear to the Secretariat-General of the League that the ratification extends to New Zealand as a Member of the League of Nations.]

I have, &c.,

WINSTON S. CHURCHILL.

* No. 93. † No. 117 in Dominions No. 81. ‡ No. 114 in Dominions No. 81.

§ Not printed: this followed the draft in No. 92, with the modifications suggested in No. 93.

(2) Ratification of Declaration as to Flags for Inland States.

22247

No. 96.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR

(Sent 12.5 p.m., 13th May, 1922.)

TELEGRAM.

[Answered by Nos. 98 and 99.]

(New Zealand.)

(Newfoundland.)

[To New Zealand: Your telegram 29th November.*] [To Newfoundland: Your despatch 5th October,† Confidential.] Government of Switzerland have raised question whether Declaration regarding flag of nations having no seacoast signed Barcelona 20th April, 1921, requires ratification. Declaration which appears on pages 25 and 26 League of Nations paper C.479, M.327, [To Newfoundland: see my despatch 16th February‡ Confidential], was signed by Llewellyn Smith [To New Zealand: on behalf of New Zealand.] [To Newfoundland: subject to same Declaration as in case of Transit Conventions as regards Dominions not represented at Conference.]

Understood that Secretary-General, League, considers ratification necessary, and in the circumstances His Majesty's Government think it desirable that Declaration should be ratified by His Majesty at same time as Transit Conventions. Do your Ministers concur in ratification on behalf of [New Zealand]? [Newfoundland]?—SECRETARY OF STATE FOR THE COLONIES.

22247

No. 97.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.15 p.m., 19th May, 1922.)

TELEGRAM.

[Answered by Nos. 100, 101 and 102.]

(Canada.)

(Commonwealth of Australia.)

(Union of South Africa.)

19TH MAY. My despatch 13th July,§ Confidential. Government of Switzerland raise question whether Declaration regarding flag nations having no seacoast signed Barcelona, 20th April, 1921, requires ratification. Declaration which appears pages 25, 26, League Nations paper C.479, M.327, was signed by Llewellyn Smith, subject to declaration as to Dominions not represented Conference to the effect that his signature did not bind such Dominions and that their right to sign or adhere later was reserved. Understood that Secretary-General, League, considers ratification necessary, and in the circumstances His Majesty's Government think desirable that Declaration should be ratified by His Majesty. Hoped that your Ministers will accept principle of Declaration. If so, would they prefer arrangements made for signature on their behalf before ratification or notification of adherence given later?—SECRETARY OF STATE FOR THE COLONIES.

* No. 117 in Dominions No. 81. † No. 114 in Dominions No. 81. ‡ 5721: not printed; this enclosed a copy of the League of Nations paper referred to. § No. 112 in Dominions No. 81.

24684

No. 98.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.0 a.m., 23rd May, 1922.)

TELEGRAM.

[Answered by No. 105.]

23RD MAY. Your telegram 13th May.* Government of New Zealand concurs in ratification by His Majesty of the Declaration regarding flag of nations having no seacoast.—JELlicoe.

29560

No. 99.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1.30 a.m., 20th June, 1922.)

TELEGRAM.

[Answered by No. 105.]

19TH JUNE. Your telegram 19th June,† Barcelona Declaration. My Ministers concur in ratification, delay much regretted.—HARRIS.

29769

No. 100.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.45 a.m., 21st June, 1922.)

TELEGRAM.

[Answered by No. 106.]

20TH JUNE. Your telegram 19th June and your telegram 5th June.‡ Minute of Council approved to-day intimating that Canada accepts principle of Declaration recognizing right to flag of States having no seacoast, and desires that her adhesion be given to it after ratification. Despatch§ follows by mail.—BYNG.

30195

No. 101.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.10 p.m., 22nd June, 1922.)

TELEGRAM.

[Answered by No. 106.]

22ND JUNE. Your telegram 19th May,|| Barcelona Conference on Communication and Transit. In connexion with Instruments adopted at this Conference Ministers have informed Secretary-General, League of Nations, under date 28th April, that owing to geographical position Union is not affected by Conventions, and therefore do not propose either to grant or withhold their accession. In view,

* No. 96. + 20688: not printed; this asked for a reply to No. 96. † 26688: not printed; reminders.
§ 31761: not printed; it confirmed the telegram. || No. 97.

however, of opinion expressed by His Majesty's Government my Ministers have no objection to Declaration regarding flag of nations having no seacoast being ratified on their behalf, and would be glad if arrangements could be made accordingly. They leave question of procedure for decision of His Majesty's Government.—ARTHUR FREDERICK.

32861

No. 102.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.35 a.m., 7th July, 1922.)

TELEGRAM.

[Answered by No. 103.]

7TH JULY. Your telegram 19th May,* Barcelona Declaration regarding flag for nations having no seacoast. Government of Commonwealth of Australia accepts principle of Declaration and will be glad if you would arrange for signature on its behalf.—GOVERNOR-GENERAL.

34079

No. 103.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.55 p.m., 15th July, 1922.)

TELEGRAM.

[Answered by No. 104.]

YOUR telegram 7th July,† Barcelona Declaration. Government of Canada have asked that notice of adhesion may be given after ratification; Government of Union of South Africa have left question of procedure to His Majesty's Government. Secretary of State for Foreign Affairs thinks most convenient procedure would be for His Majesty's ratification to exclude Australia and Union which were not represented at Barcelona Conference as well as Canada and for notice of their adhesion to be given after deposit of ratification. Hoped that your Ministers will concur. Telegraph reply.—SECRETARY OF STATE FOR THE COLONIES.

36467

No. 104.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.55 a.m., 26th July, 1922.)

TELEGRAM.

[Answered by No. 106.]

26TH JULY. Your telegram 15th July,* Barcelona Declaration. Government of Commonwealth of Australia concurs in procedure suggested.—GOVERNOR-GENERAL.

* No. 97. † No. 102. ‡ No. 103.

53266

No. 105.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL AND GOVERNOR.

(New Zealand. No. 240.)

(Newfoundland. No. 168.)

[MY LORD,] [SIR,]

Downing Street, 8th November, 1922.

WITH reference to my predecessor's telegram of the 13th of May,* and to [Your Excellency's telegram of the 23rd of May,†] [Sir Alexander Harris's telegram of the 19th of June,‡] I have the honour to transmit to you, for the information of your Ministers, a copy of the ratification§ by His Majesty the King of the Declaration concerning the right to a flag of States having no seacoast, signed at Barcelona on the 20th of April, 1921, together with copies of Notes exchanged between the Secretary to the Cabinet and the Secretary-General of the League of Nations in the matter.

[2. To New Zealand: It is being made clear to the Secretary-General that His Majesty's ratification extends to New Zealand as a member of the League of Nations.]

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 105.

THE Secretary to the Cabinet presents his compliments to the Secretary-General of the League of Nations, and is directed to transmit herewith the ratification of His Majesty the King of the Declaration concerning the right to a flag of States having no seacoast signed at Barcelona on the 20th April, 1921.

5th October, 1922.

Enclosure 2 in No. 105.

League of Nations.

THE Secretary-General of the League of Nations presents his compliments to the Secretary to the Cabinet and has the honour to acknowledge receipt of the latter's Note of 5th October, 1922, enclosing His Britannic Majesty's ratification of the Declaration concerning the right to a flag of States having no seacoast, signed at Barcelona on the 20th of April, 1921.

The above-mentioned Note and Instrument of Ratification were received by the Secretariat on 9th October, 1922. This date has accordingly been taken as the date of deposit of the ratification. The Instrument of Ratification having been transmitted to the Secretariat by post, no procès-verbaux of deposit will be drawn up, but the Note of the Secretary to the Cabinet and the present reply will be regarded as taking the place of the usual procès-verbal of deposit.

In accordance with the provisions of Article 18 of the Covenant of the League of Nations, registration took place on the same day as the deposit of ratification, viz., 9th October, 1922.

11th October, 1922.

53540

No. 106.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada. No. 531.)

(Commonwealth of Australia. No. 401.)

(Union of South Africa. No. 298.)

[MY LORD,] [SIR,]

Downing Street, 8th November, 1922.

WITH reference to my predecessor's telegram of the 19th of May,|| and to [Your Excellency's telegram of the 20th of June,¶] [subsequent correspondence

* No. 96. † No. 98. ‡ No. 99. § Not printed: its terms were similar to those of the Instruments of ratification of the Conventions relating to Freedom of Transit and International Waterways. (See Nos. 92 and 93.) || No. 97. ¶ No. 100.

ending with Your Excellency's telegram of the 26th of July,*] [Your Royal Highness's telegram of the 22nd of June,†] I have the honour to transmit to you, for the information of your Ministers, copies of the undermentioned documents and correspondence with the Secretary-General of the League of Nations relative to the Declaration concerning the right to a flag of States having no seacoast, signed at Barcelona on the 20th of April, 1921.

- (a) Note to the Secretary-General, dated 5th October,‡ forwarding His Majesty's Ratification.
- (b) Instrument of Ratification.§
- (c) Note from the Secretary-General dated the 11th of October.||
- (d) His Majesty's Declaration of Accession for Canada, the Commonwealth of Australia and the Union of South Africa.
- (e) Note to the Secretary-General, dated the 27th of October, forwarding above Declaration.

I have, &c.,

DEVONSHIRE.

Enclosure 4 in No. 106.

THE Undersigned, His Britannic Majesty's Principal Secretary of State for Foreign Affairs, hereby declares that His Britannic Majesty accedes to the Declaration concerning the right to a flag of States having no seacoast, signed at Barcelona on 20th April, 1921, for the following British self-governing Dominions:

Dominion of Canada,
Commonwealth of Australia,
Union of South Africa.

CURZON OF KEDLESTON.

Foreign Office,

24th October, 1922.

Enclosure 5 in No. 106.

THE Secretary to the Cabinet presents his compliments to the Secretary-General of the League of Nations, and with reference to the letter from the Offices of the Cabinet of the 26th instant transmits herewith a Declaration by His Majesty's Principal Secretary of State for Foreign Affairs notifying the accession of Canada, Australia, and South Africa to the Declaration concerning the right to a flag of States having no seacoast signed at Barcelona on 20th April, 1921.

2. The date on which this accession is regarded as taking effect will no doubt be communicated in due course.

27th October, 1922.

GENOA CONFERENCE, 1922 [Cmd. 1667.]

4154

No. 107.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 4.55 p.m., 27th January, 1922.)

TELEGRAM.

[Answered by Nos. 108, 109, 111, 113, 114 and 120.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

27TH JANUARY. Letter to your Prime Minister from Italian Ambassador, London, to following effect being sent by mail:—

* Nos. 102, 103 and 104. † No. 101. ‡ Enclosure 1 in No. 105. § Not printed: its terms were similar to those of the instruments of ratification of the Conventions relating to Freedom of Transit and International Waterways (see Nos. 92 and 93.) || Enclosure 2 in No. 105.

Begins: In accordance with resolution of Supreme Council, 6th January, and by order of Government of Italy, Ambassador invites your Government to Economic and Financial Conference to take place Genoa, 8th March. Ambassador asks names of delegates appointed by your Government, as well as members of staff. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

5376

No. 108.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.33 a.m., 3rd February, 1922.)

TELEGRAM.

3RD FEBRUARY. Your telegram 27th January.* Government of Commonwealth of Australia desires its thanks be conveyed to Italian Ambassador, and he be informed Right Honourable Sir Joseph Cook, Privy Councillor, G.C.M.G., High Commissioner for Australia in Great Britain, will represent Australia at Economic and Financial Conference, Genoa, on 8th March. Names of members of staff will be communicated by him.—GOVERNOR-GENERAL.

5692

No. 109.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.5 a.m., 5th February, 1922.)

TELEGRAM.

(Paraphrase.)

3RD FEBRUARY. Conference at Genoa. Your telegram of 27th January.* My Prime Minister asks that following message may be communicated to Italian Ambassador, substance of it being sent for his information to High Commissioner in London:—

Begins: The Government of the Union of South Africa wish the Italian Ambassador to convey to the Italian Government their thanks for the invitation to the Conference at Genoa. They have nominated as the representative of the Union of South Africa at the Conference Sir Edgar Walton, K.C.M.G., their High Commissioner in London. As regards details of his staff, Sir Edgar Walton will give the necessary information to the Italian Ambassador. *Ends.*

—ARTHUR FREDERICK.

6336

No. 110.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.55 p.m., 8th February, 1922.)

TELEGRAM.

7TH FEBRUARY. On advice of my Ministers in Council, I have to-day signed following order:—

Begins: Whereas in connexion with Economic and Financial Conference at Genoa it is expedient to invest fit persons with full powers to treat on the part of His Majesty the King in respect of Union of South Africa with persons similarly empowered on the part of other States:

* No. 107.

Therefore His Royal Highness the Governor-General in Council is pleased to order and doth hereby order that His Majesty the King be humbly moved to issue Letters Patent to the Honourable Sir Edgar Harris Walton, K.C.M.G., High Commissioner Union of South Africa in London, naming and appointing him as Commissioner and Plenipotentiary in respect of Union of South Africa with full powers and authority as from 8th March, 1922, to conclude with such plenipotentiaries as may be vested with similar powers and authority on the part of any Power or State any treaty, convention, or agreement in connexion with said Economic and Financial Conference at Genoa, and to sign for and in name of His Majesty the King in respect of Union of South Africa everything so agreed on and concluded, and to transact all such other matters as may appertain thereto. *Ends.*

—ARTHUR FREDERICK.

6520

No. 111.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.0 p.m., 9th February, 1922.)

TELEGRAM.

[Answered by No. 112.]

9TH FEBRUARY. Your telegram 27th January,* Genoa Conference. Letter from Italian Ambassador to Canadian Prime Minister has not been received yet. Government of Canada is anxious to learn as soon as possible exact wording of this invitation and to be informed, first, if more than one delegate is to be invited, and, second, is invitation to the effect that Canada is to be represented at Genoa Conference by her own delegates or is invitation being extended to Government of Canada as part of larger delegation to represent British Empire?—BYNG.

6520

No. 112.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.5 p.m., 14th February, 1922.)

TELEGRAM.

(Paraphrase.)

14TH FEBRUARY. Genoa Conference. Your telegram 9th February.† Letter from Italian Ambassador sent by mail of 31st January. Although with exception of Japan and United States invitations to Conference were otherwise confined to European Powers Italian Government were asked at Cannes to invite Dominions as well as British Government, but we propose that British Empire Delegation should be organized at Genoa with one Secretariat, as at Washington and Paris. It is desirable to restrict size of delegation as much as possible. Number of representatives of British Government not yet decided. New Zealand has not yet selected representative. Union of South Africa and Australia have appointed High Commissioners.—SECRETARY OF STATE FOR THE COLONIES.

* No. 107.

† No. 111.

7484

No. 113.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.10 a.m., 16th February, 1922.)

TELEGRAM.

16TH FEBRUARY. Your telegram 16th January,* your telegram 27th January.† New Zealand will be satisfied with representation by Imperial Government at Genoa Conference, 8th March.—JELICOE.

7672

No. 114.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.30 a.m., 17th February, 1922.)

TELEGRAM.

[Answered by Nos. 115 and 117.]

16TH FEBRUARY. Following for Prime Minister from my Prime Minister:—
Begins: Your telegram 16th January* and Secretary of State for the Colonies' telegram 27th January.† I have now received from Italian Ambassador, London, letter inviting Government of Canada to Economic and Financial Conference to be held at Genoa, 8th March, and asking me to give him names of delegates appointed for the purpose as well as those of members of their staff. Minute of Council will be passed appointing Sir Charles Blair Gordon, G.B.E., Montreal, and Professor Edouard Montpetit, K.C., LL.D., Montreal, and requesting that His Majesty the King be moved to issue full powers to those persons to act in respect of Dominion of Canada. I would be grateful if you would cause Italian Ambassador to be informed of these appointments, adding that names of members of staff would be communicated later. In this connexion I would appreciate any information now available as to the prospects for holding Conference on date fixed and further as to arrangements for hotel accommodation Genoa. *Ends.*

—BYNG.

7672

No. 115.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.30 p.m., 18th February, 1922.)

TELEGRAM.

[Answered by No. 116.]

(Paraphrase.)

WITH reference to your telegram 16th February,† Genoa Conference. Following from Prime Minister for your Prime Minister:—

Begins: Date of Conference at present remains unaltered, but arrangements are entirely in hands of Italian Government. As Bonomi Government has just been defeated in Chamber nothing more definite can be said until

* 2511/S; it contained a message from the Prime Minister as to Anglo-French relations and the proposed Conference. (Extract printed as No. 70.) † No. 107. ‡ No. 114.

new Government formed. We shall be happy to arrange for accommodation of Canadian delegates in Hotel Miramare, where it is proposed that whole British Empire Delegation should be housed. Please telegraph names and rank of staff as soon as possible. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

8975

No. 116.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.25 p.m., 24th February, 1922.)

TELEGRAM.

[Answered by No. 117.]

24TH FEBRUARY. Following for Prime Minister from my Prime Minister:—

Begins: Your telegram of 18th February,* Genoa Conference. Your offer to arrange for hotel accommodation for Canadian delegates at Hotel Miramare is accepted with much appreciation; personnel of staff has not been determined yet, but it is not likely to exceed four, including Private Secretaries for each delegate. I understand that Sir Charles Gordon and Professor Montpetit will be accompanied by their wives. Final information on these points will be sent as soon as possible.

—BYNG.

8841

No. 117.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12 noon, 27th February, 1922.)

TELEGRAM.

27TH FEBRUARY. My telegram 18th February, your telegram 24th February.† Italian Government have asked for short postponement Genoa Conference, and it is being deferred for at least a month.—SECRETARY OF STATE FOR THE COLONIES.

12206

No. 118.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.0 a.m., 14th March, 1922.)

TELEGRAM.

[Answered by No. 119.]

13TH MARCH. Following for Prime Minister from my Prime Minister:—

Begins: I would be grateful for information as to date fixed for Genoa Conference. Canadian delegates are urgently pressing for advice on which to make necessary sailing and other arrangements. Press reports state 10th April has been fixed, but I have no definite official information. Early reply would be much appreciated. *Ends.*

—BYNG.

* No. 115.

† Nos. 115 and 116.

12206

No. 119.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.5 p.m., 14th March, 1922.)

TELEGRAM.

14TH MARCH. Your telegram 13th March.* Following for your Prime Minister from Prime Minister:—

Begins: Italian Government have just informed His Majesty's Government officially that they agree to 10th April as date for Genoa Conference. This was date suggested as result of my recent conference with Poincaré.

Ends.

—SECRETARY OF STATE FOR THE COLONIES.

14399

No. 120.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.30 a.m., 27th March, 1922.)

TELEGRAM.

[Answered by No. 121.]

27TH MARCH. Your telegram 27th January, my telegram 16th February,† Genoa Conference. Government of New Zealand much appreciate invitation extended to them by Government of Italy through Italian Ambassador, and state that arrangements have been made for the Honourable Sir Francis Bell, Attorney-General of New Zealand, to be present at Conference. In the event, however, of Sir Francis, who leaves here by "Athenic," 28th March, not arriving in time to take over his seat at the Conference, New Zealand will be represented by the British delegation. Please inform Government of Italy accordingly.—JELlicoe.

7484

No. 121.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5 p.m., 27th March, 1922.)

TELEGRAM.

[Answered by No. 122.]

YOUR telegram 27th March.† As possible that International Conventions may be negotiated at Genoa Conference before arrival of Bell, thought desirable that one of other plenipotentiaries should have full power from His Majesty the King for signature in respect of New Zealand if necessary. Do your Ministers concur? Please telegraph reply as soon as possible.—SECRETARY OF STATE FOR THE COLONIES.

* No. 118. † Nos. 107 and 113. ‡ No. 120.

15242

No. 122.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.40 a.m., 30th March, 1922.)

TELEGRAM.

30TH MARCH. Your telegram 27th March*; Genoa Conference. My Ministers agree to representative of His Majesty's Government being given plenipotentiary powers to sign on behalf of New Zealand in the event of Bell not arriving in time.—JELlicoe.

Note.—The Proceedings of the Genoa Conference were published in [Cmd. 1667]. The Conference resulted in the summoning of the Conference at The Hague (q.v.).

GREECE.

Commercial Relations with Dominions.

24181

No. 123.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL

[Answered by Nos. 124 and 125.]

(Canada. No. 321.)

(Union of South Africa. No. 187.)

[MY LORD] [SIR,]

Downing Street, 26th June, 1922.

I HAVE the honour to request [Your Excellency] [Your Royal Highness] to inform your Ministers that the Greek Chargé d'Affaires has recently inquired whether the Government of [Canada] [the Union of South Africa] extends to goods of Greek origin and manufacture a treatment as favourable as that accorded to goods originating from any other foreign country. This information is required by the Greek Government with reference to the Treaty provisions at present in force which govern the grant of most-favoured-nation treatment in Greece to goods originating from [Canada] [the Union of South Africa.]

2. I should be glad to learn what reply your Ministers would wish to be returned to the Greek Chargé d'Affaires.

I have, &c.,

WINSTON S. CHURCHILL.

35900

No. 124.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.40 p.m., 22nd July, 1922.)

TELEGRAM.

22ND JULY. Your despatch 26th June, 321.† Most-favoured-nation treatment Greek goods. My Ministers represent that principle of most-favoured-nation treatment is not in operation between Greece and Canada. That principle is contained in Treaty of Commerce and Navigation between Great Britain and Greece, signed at Athens, 10th November, 1866, [1886] but Article 17 of Treaty provides that certain British possessions, including Canada, are excepted from operation of Treaty. Products of Greece entering Canada come under operation of Canadian

* No. 121. † No. 123.

General Tariff. In like manner products of Canada entering Greece are subject to General Tariff of that country. Canada has three-column Tariff. First column is British Preferential Tariff, which applies to commerce between Canada and most British countries. Second column is known as Intermediate Tariff. This in part applies to number of foreign countries, but Greece is not one of them. Third column is General Tariff, and applies to all countries, including Greece, with which Canada has no reciprocal understandings. Several months ago, Acting Consul-General for Greece, Montreal, communicated with then Government of Canada expressing desire to open negotiations for Commercial Agreement. General election was pending at the time. This was followed by change of government, and little later by session new parliament which only recently terminated. On account of these circumstances Government of Canada has not been in position to take up this important question. Government of Canada receives with satisfaction suggestion of Government of Greece, and it is hoped that early opportunity may be afforded of giving matter every consideration. Despatch* follows by mail.—BYNG.

42902

No. 125.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 29th August, 1922.)

(No. 449.)

SIR. Governor-General's Office, Pretoria, 9th August, 1922.
I HAVE the honour to transmit to you herewith, with reference to your despatch No. 187 of the 26th June, 1922,† a copy of Minute No. 619 from Ministers, dated 5th August, on the subject of the treatment of goods of Greek origin imported into the Union of South Africa.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 125.

(Minute No. 619.)

Prime Minister's Office, 5th August, 1922.

MINISTERS have the honour to acknowledge His Royal Highness the Governor-General's Minute No. 62/2551, of the 18th instant, transmitting despatch Dominions No. 187 from the Right Honourable the Secretary of State for the Colonies, regarding the treatment of goods of Greek origin imported into the Union of South Africa, and would inform His Royal Highness that such goods receive treatment as favourable as that accorded to goods originating from any other foreign country.

PATRICK DUNCAN.

THE HAGUE CONFERENCE, 1922 [Cmd. 1724].

Note.—This Conference was the result of the Genoa Conference (q.v.).

25626

No. 126.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6 p.m., 26th May, 1922.)

TELEGRAM.

26TH MAY. QUESTION has arisen as to accommodation required by representatives from British Empire at Conference to be held The Hague, 15th June, following Genoa Conference. Do your Ministers propose to be represented, and if so, who would be representatives and by whom accompanied? Telegraph reply as soon as possible.—SECRETARY OF STATE FOR THE COLONIES.

* 39309: not printed; it confirmed the telegram.

† No. 123.

25626

No. 127.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6 p.m., 26th May, 1922.)

TELEGRAM.

[Answered by No. 128.]

GENOA Conference decided that Powers represented there, other than Germany and Russia, should be invited by President Conference to send representatives to The Hague, 15th June, for preliminary exchange of views to consider line of action to be adopted towards Russians by Commission of Experts who will meet 26th June. Question arises of accommodation required by representatives from British Empire. Do your Ministers propose to be represented, and if so, who would be representative and by whom accompanied? Telegraph reply as soon as possible.—SECRETARY OF STATE FOR THE COLONIES.

26733

No. 128.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.40 a.m., 5th June, 1922.)

TELEGRAM.

5TH JUNE. With reference to your telegram 26th May,* my Government desires to be represented by Sir Francis Bell, its Attorney-General, at Conference at The Hague, 15th June, please consult him as to the accommodation.—JELLICOE.

27799

No. 129.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada No. 301.)

(New Zealand No. 107.)

MY LORD,

Downing Street, 14th June, 1922.

WITH reference to my telegram of the 26th May,† I have the honour to transmit to your Excellency, for the information of your Ministers, a copy of a note from the Italian Embassy conveying an invitation to the Government of [Canada] [New Zealand] to nominate representatives to attend the forthcoming Conference at the Hague. A copy of a telegram which has been sent to His Majesty's Minister at the Hague regarding the representation of His Majesty's Government is enclosed.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 129.

MONSIEUR LE MARQUIS,

Londres, le 27 mai, 1922.

D'ORDRE de mon Gouvernement et au nom du Président de la Conférence de Gênes, j'ai l'honneur d'adresser à Votre Excellence la communication suivante :

Conformément au procès verbal de la réunion tenue le 14 mai, 1922, à laquelle assistaient les chefs des Délégations Italienne, Belge, Française, Britannique et Japonaise à la Conférence de Gênes, approuvé par la sous-commission de la première commission pour la question russe le 15 mai et qui a été communiqué à Votre Délégation à la Conférence et en vertu des résolutions concernant la convocation de la commission à la Haye pour l'examen des divergences subsistant entre le Gouverne-

* No. 127.

† Nos. 126 and 127.

ment Russe des Soviet et les autres Gouvernements représentés à la Conférence de Gênes, résolutions qui ont été adoptées par la troisième séance plénière de la Conférence et en vertu d'une résolution ultérieure invitant le Président de la Conférence de Gênes à prendre les mesures nécessaires d'accord avec le Gouvernement des Pays Bas pour la convocation de la commission à La Haye, j'ai l'honneur en ma qualité de Président de la Conférence de Gênes, d'accord avec le Gouvernement des Pays Bas d'inviter Votre Gouvernement à envoyer des représentants à la Haye pour un échange de vues préliminaires et pour décider comment devra être composée la commission qui sera chargée de diriger les négociations avec la commission russe, négociations qui doivent commencer le 26 juin, 1922. Il est suggéré qu'en vue d'assurer un travail rapide et efficace chaque nation n'envoie pas plus de deux représentants accompagnés, si nécessaire, d'un nombre limité de conseillers techniques. Le Gouvernement des Pays Bas va constituer à La Haye un Secrétariat Général.

J'ai l'honneur de Vous prier de bien vouloir adresser au Secrétaire Général aux soins du Ministre des Affaires Etrangères des Pays Bas Votre réponse au présent télégramme d'ici le cinq juin et de lui communiquer en même temps le nom de vos représentants et les détails relatifs à leur personnel. Veuillez lui adresser également toute communication ultérieure concernant la réunion des Commissions."

D'ordre de mon Gouvernement et au nom du Président de la Conférence de Gênes j'ai l'honneur de m'adresser à l'obligeance habituelle de Votre Excellence en La priant aussi de vouloir bien transmettre une invitation analogue aux Gouvernements du Canada, de l'Australie, de l'Union Sud-Africaine, de la Nouvelle Zélande et des Indes.

Veuillez agréer, &c.,
G. CORA.

A Son Excellence
le Marquis Curzon de Kedleston,
&c., &c., &c.

Enclosure 2 in No. 129.

TELEGRAM FROM FOREIGN OFFICE TO SIR C. MARLING (The Hague).

(Sent 6 p.m., 2nd June, 1922.)

No. 29 (R.)

His Majesty's Government have been requested by Italian Prime Minister to inform Secretary-General of Hague Commission, care of Ministry for Foreign Affairs, names of their representatives and staff.

Please inform Secretary-General that His Majesty's Government cordially accept Signor Facta's invitation. Their representatives will be Sir P. Lloyd Greame and Lieutenant-Commander Hilton Young. Details of Indian and Dominion representation and staff will be sent later.

27799

No. 130.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Commonwealth of Australia. No. 216.)
(Union of South Africa. No. 179.)

[MY LORD,] [SIR,] Downing Street, 14th June, 1922.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] for the information of your Ministers, copy of a note* from the Italian Embassy conveying an invitation to the Government of the [Commonwealth of Australia,] [Union of South Africa,] to nominate representatives to attend the forthcoming Conference at The Hague.

2. Inquiries have already been made of the High Commissioner for the [Commonwealth] [Union] in London whether the [Commonwealth] [Union] Government proposed to be represented at the Conference and it is understood that [To

* Enclosure 1 in No. 129.

Commonwealth of Australia: it is proposed to send a representative.] [To Union of South Africa: the Union Government does not propose to be directly represented and that it will rely upon the representatives of His Majesty's Government.]

3. A copy of a telegram* which has been sent to His Majesty's Minister at The Hague regarding the representation of His Majesty's Government is enclosed.

I have, &c.,

WINSTON S. CHURCHILL.

HONDURAS.

Commercial Treaty 1910 (Treaty Series 1915, No. 7.)

Position of British Companies.

37437

No. 131.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.	} Dominions No. 284.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 12th August, 1922.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of a despatch from His Majesty's Minister at Guatemala, and of Notes exchanged between His Majesty's Consul at Tegucigalpa and the Minister for Foreign Affairs at the Republic of Honduras, relative to the application to British companies of a new law relating to foreign insurance companies operating in Honduras.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 131.

(DOT/6124/F1.)
(Overseas Trade. A. No. 6.)

COPY OF A COMMUNICATION, DATED 19TH MAY, 1922, FROM HIS MAJESTY'S MINISTER, GUATEMALA, TO THE DEPARTMENT OF OVERSEAS TRADE.

MY LORD,

His Majesty's Consul at Tegucigalpa (Mr. Lyall) has forwarded to me copies of his despatches, Nos. 13 and 15 in this series of the 18th and 26th ultimo, respectively, reporting a new law in Honduras affecting foreign insurance companies.

The Decree (No. 107 of 10th April, 1922), which came into force on the 18th ultimo, obliges foreign insurance companies of all kinds to deposit in the National Treasury of Honduras a sum of \$50,000 United States Currency, as a guarantee for their policy holders; they are also obliged to have a representative legally established in the country.

No foreign company could risk depositing so large a sum as \$50,000 with the Honduran Government; moreover, the deposit is without interest, and thus is equivalent at 12 per cent. to a tax of \$6,000 per annum; all the insurance business will therefore pass into the hands of the native companies, the most prominent of which is the "Ahorro Hundureno."

I am informed from a private source that the Decree was passed in consequence of the action of a United States concern—the Pan-American Life Insurance Company—in refusing to pay a \$10,000 life insurance claim made by the relatives of a Honduran who died shortly after taking out a policy; the insurance was said to be fraudulent, but the claimants had sufficient political influence to have the Decree passed as a reprisal.

* Enclosure 2 in No. 129.

I instructed Mr. Lyall on the 10th instant to protest against the Decree as a violation of Article 1 of our Commercial Treaty of 1910 with Honduras, on the ground that it amounts to the imposition of a tax on British insurance companies, to which native companies are not liable. Actually the only British companies working in Honduras, appear to be the Imperial Life Assurance Company of Toronto, and the Western Assurance Company of Canada. Canada, I believe, has not acceded to the Treaty of 1910, but I am instructing Mr. Lyall to base his protest on general British interests.

I have, &c.,
H. GAISFORD.

The Most Honourable
The Marquess Curzon of Kedleston, K.G., G.C.S.I.,
&c., &c., &c.,
Department of Overseas Trade.

Enclosure 2 in No. 131.

(Translation).

EXMO. SNR. MINISTER, British Consulate, Tegucigalpa, 13th May, 1922.
I HAVE the honour to refer Your Excellency to Decree No. 107 of the National Congress published in *La Gaceta*, No. 5912, of 18th April, 1922, respecting the treatment of foreign insurance companies operating in the Republic, and beg to request Your Excellency's opinion, as that of your Government, as to whether it is intended to bring within the scope of said Decree British insurance companies, established, or to be established, in the country.

I am instructed by His Majesty's Government to request also of Your Excellency that, if such is the application of said Decree, how Your Excellency's Government reconciles same with the terms of the Anglo-Honduran Treaty of 1910, Article I., Paragraph 3 of which says:—

"The subjects or citizens of each of the contracting parties shall not be subject in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, or to imposts or obligations of any kind whatever, other or greater than those which are or may be imposed upon native subjects or citizens, or subjects or citizens of the most favoured nation."

From this quotation, it will be evident to Your Excellency that same is in complete disaccord with the terms of the aforementioned Decree which seeks to discriminate between National and British insurance institutions, and specifically precludes provision for the payment of interest on the large sum exacted from the latter by way of deposit.

His Majesty's Government authorizes me to state that the receipt of the views of Your Excellency's Government will be welcomed on this subject, which is of considerable importance to British interests.

I have, &c.,
G. LYALL,
His Majesty's Chargé d'Affaires.

EXCMO. SR. DR. DON VICENTE MEJIA COLINDRES,
Minister for Foreign Affairs,
Present.

Enclosure 3 in No. 131.

(Translation.)

Department of Foreign Affairs,
Republic of Honduras,
Tegucigalpa, 23rd June, 1922.

HONOURABLE SIR,
IN relation to your attentive Note of 13th May last, in which you referred to Decree No. 107, issued by the National Congress and published in *La Gaceta*, No. 5912 of 18th April ultimo, I have the honour to transcribe to you the communication, which says:—

"Ministry of State for Government and Justice, Republic of Honduras, Tegucigalpa, 22nd June, 1922.—Mr. Minister.—I have the honour to refer to your attentive Note of 13th May last, with which you forwarded to me

a communication addressed to you by His Excellency G. Lyall, His Britannic Majesty's Chargé d'Affaires, having as its object the securing of the opinion of this Government with respect to the application of Legislative Decree No. 107, issued on 30th March last, and published in *La Gaceta*, No. 5912, of 18th April, ultimo, with reference to British insurance companies, and in view of Article 1, Paragraph 3 of the Anglo-Honduran Treaty of 1910. Replying to your Note I beg to state that in the opinion of my Government, the mentioned Legislative Decree is not applicable to British insurance companies, in virtue of the stipulations of the mentioned Anglo-Honduran Treaty, for otherwise such companies would be in a juridical situation different from that which our laws recognize towards national companies; that is to say, with greater obligations than the latter. Notwithstanding the above, I deem it convenient to state that foreign companies, including those of British nationality, are always subject to the formality of recognition by the Executive Power of Honduras, and of appointing their agents in the country with the express authorization of the said Executive Power, since these same obligations apply equally to the Honduran institutions. With reference to these points, I beg to refer to Articles 8 of the "Foreigners Law," 58 of the Civil Code, and 285, No. 7, 286, 287, 289, and 315 of the Commercial Code.

With assurances of special consideration, I beg to remain,

Yours, &c.,
(Signed) CORONADO GARCIA.

To the Minister for Foreign Affairs."

I take this opportunity to reiterate to you the assurance of my distinguished consideration.

V. MEJIA COLINDRES.

The Honourable George Lyall,
His Britannic Majesty's Chargé d'Affaires,
Present.

TRANSLATION OF CLAUSES REFERRED TO IN NOTE OF THE MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF HONDURAS, DATED 23RD JUNE, 1922, RELATING TO THE OPERATION OF FOREIGN COMPANIES.

Foreigners Law.—Chapter 1. Article 8.—"Foreign juridical entities enjoy in Honduras all the rights conceded by the laws of the country of their domicile, provided that same are not contrary to the laws of Honduras, and have been recognized by the Executive Power."

Civil Code.—Article 58.—"The civil capacity of corporations will be regulated by the laws which have created them or recognized them; that of associations by their statutes, and that of foundations by the rules governing their institutions, through approval by the Executive Power when the association or foundation are not created by the State."

Commercial Code.—Article 285.—"The deed of the Society's incorporation should state:—

No. 7.—The method of administration, the functions of the administrators, and the faculties reserved to the general meeting of shareholders."

Article 286.—The statutes of limited liability companies will be submitted for the approval of the Executive Power, and in the same way any alterations or modifications made in them.

Article 287.—The prorogation of societies constituted for a definite period, will also be submitted for the approval of the Executive, and similar authorization is necessary for their dissolution if same occurs before the stipulated period, or in cases not prescribed by Law.

Article 289.—The Executive shall not give its approval, if from an examination of the deed of incorporation, it appears the capital is not effective, or that its realization is insufficiently assured, or that it is not proportionate to the magnitude of the company's operations, or that the regulations of the company do not offer to the shareholders guarantees of good administration, the means of fiscalising the operations of the managers, and the right to know regarding the investment of its funds.

Article 315.—Foreign limited liability companies cannot establish agents in Honduras without the express authorization of the Executive Power.

Agents who act for these Companies without obtaining governmental authorization, will be personally responsible for the fulfilment of the contracts they make, and subjected to all the responsibilities previously established without prejudice to any action that may be taken against the said companies.

Note.—The question of the position under Commercial Treaties of companies incorporated in a Dominion which had not acceded to the Treaty was discussed in the minutes on this paper (37437/22). It was pointed out that the question had been dealt with, so far as the Industrial Property Convention was concerned, in Nos. 153 to 158 of Dominions No. 51.

INTERNATIONAL LABOUR CONFERENCE, 1919.

Draft Conventions adopted by the Conference.

13737

No. 132.

FOREIGN OFFICE to OFFICES OF THE CABINET.

(Enclosure in Foreign Office letter dated 22nd March, 1922.)

[See No. 133.]

THE Under Secretary of State for Foreign Affairs presents his compliments to the Secretary to the Cabinet, and, with reference to the letter* from the Secretariat-General of the League of Nations, dated the 14th February, communicated to the Foreign Office by Sir Maurice Hankey on the 7th instant, notifying the ratification by Bulgaria of the draft conventions adopted by the International Labour Conference at Washington, invites Sir Maurice Hankey's attention to the incorrect phraseology used by the League Secretariat in describing the ratifications of the draft conventions.

2. The phrase "His Britannic Majesty's Government" used in sub-paragraphs 3, 4, 5 and 6 of the Secretary-General's letter is incorrect; and the descriptions given in those sub-paragraphs do not clearly indicate what parts of the British Empire have ratified the draft conventions.

3. Sir Eyre Crowe would suggest that the Secretariat of the League should be invited in future to use the phrase "British Empire (not including . . .)" in the same way as in sub-paragraph 6 the phrase "Denmark (not including Greenland)" is used; e.g., the correct phraseology of sub-paragraph 6 would have been: "already ratified by Greece, Roumania, the British Empire (not including Canada, Australia, New Zealand and the Union of South Africa)."

4. A copy of this letter has been sent to the Colonial Office.

Foreign Office, S.W.1,
22nd March, 1922.

13737

No. 133.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 134.]

SIR, Downing Street, 13th April, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 22nd March† enclosing a copy of a letter to the Cabinet Office regarding the ratification of the draft Conventions adopted by the International Labour Conference at Washington.

* Not printed: the phraseology referred to was "Convention concerning unemployment (already ratified by Greece, Roumania, His Britannic Majesty's Government, India, Sweden, Denmark (not including Greenland), Finland, and Bulgaria)."

† Not printed: it enclosed copy of No. 132.

63

2. Mr. Churchill's view is that the wording of Article 421 of the Treaty of Versailles, which provides that the Members of the International Labour Organization will apply Labour Conventions which they have ratified to their Colonies, Protectorates and Possessions which are not fully self-governing so far as those Conventions are applicable, definitely precludes ratification of such Conventions in respect of the Colonies not possessing responsible Government and Protectorates. Similarly this wording would preclude ratification in respect of Newfoundland, since it is not possible to regard the United Kingdom and Newfoundland in combination as a single Member of the International Labour Organization possessing Colonies. In this connexion I am to enclose a copy of a letter* to the Ministry of Labour, and I am also to invite reference to paragraph 3 of the letter from this Department of the 27th April, 1921.† It was understood from paragraph 4 of your letter of the 5th May, 1921,‡ that Lord Curzon admitted the correctness of the view set out above.

3. In actual fact the draft Conventions mentioned in your letter were ratified by Orders of the Lords of the Council stating that the Conventions had "in respect of the United Kingdom of Great Britain and Ireland obtained the consent of the authority or authorities within whose competence the matter lies." It will be seen that the ratification was expressly confined to the United Kingdom.

4. If it is thought that the phrase "ratified by His Britannic Majesty's Government" in the letter from the Secretary-General of the League of Nations of the 14th February§ is not appropriate in view of the fact that in the other cases mentioned in the letter the name of the ratifying country is given, it would appear that this objection could be met by making it clear that the ratification by His Britannic Majesty's Government of the particular Conventions mentioned was in respect of the United Kingdom.

5. I am further to explain that under the new Constitution of Malta, the position of that Colony with regard to draft Labour Conventions will be the same as that of Newfoundland, in so far as the subject matter is one in regard to which responsible government has been granted to the Colony.

6. A copy of this letter is being sent to the Cabinet Office.

I am, &c.,

C. T. DAVIS.

20309

No. 134.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 1st May, 1922.)

SIR,

Foreign Office, S.W.1, 29th April, 1922.

WITH reference to your letter of the 13th instant,|| I am directed by the Marquess Curzon of Kedleston to state that in the special circumstances explained in the correspondence referred to in your letter, His Lordship accepts Mr. Churchill's view in regard to the phraseology used by the League of Nations Secretariat in recording the ratifications of the draft conventions adopted by the International Labour Conference at Washington.

2. A copy of this letter is being sent to the Cabinet Offices.

I am, &c.,

R. H. CAMPBELL.

* No. 121 in Dominions No. 81.

† No. 125 in Dominions No. 81.

‡ No. 126 in Dominions

No. 81.

§ See footnote to No. 132.

|| No. 133.

INTERNATIONAL REFRIGERATION CONVENTION, 1920.

(Treaty Series 1923, No. 6.)

2421

No. 135.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

[Answered by Nos. 136, 137, 138 and 139.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.

Dominions Treaty No. 4.)

[MY LORD,] [SIR,]

Downing Street, 20th January, 1922.

WITH reference to my predecessor's despatch Dominions Treaty No. 32 of the 11th September, 1920,* I have the honour to request [Your Excellency] [Your Royal Highness] to inform your Ministers that His Majesty's Government propose, so far as Great Britain is concerned, that steps should be taken for the ratification by His Majesty of the International Refrigeration Convention, 1920.

I shall be glad to learn whether your Ministers wish that the Convention should also be ratified for [Canada.] [the Commonwealth of Australia.] [New Zealand.] [the Union of South Africa.]

I have, &c.,

WINSTON S. CHURCHILL.

12914

No. 136.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th March, 1922.)

(No. 114.)

SIR,

Government House, Ottawa, 3rd March, 1922.

WITH reference to your despatch, Dominions Treaty No. 4 of the 20th January last,† on the subject of the ratification of the International Refrigeration Convention, 1920, I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada intimating that it is the desire of the Canadian Government that this Convention should be ratified on the part of the Dominion.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 136.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 23RD FEBRUARY, 1922.

(P.C. 417.)

THE Committee of the Privy Council have had before them a report, dated 20th February, 1922, from the Honourable the Secretary of State for External Affairs, to whom was referred a despatch to Your Excellency from the Right Honourable the Secretary of State for the Colonies, dated the 20th January, 1922, Dominions Treaty No. 4, intimating that His Majesty's Government propose, so far as Great Britain is concerned, to take steps for the ratification of the International Refrigeration Convention, 1920, and inquiring whether it was desired that the Convention should also be ratified for Canada.

The Secretary of State for External Affairs represents that this Convention was signed on behalf of Canada by Mr. Philippe Roy, the Canadian Commissioner

* 40717: not printed; this forwarded copies of the Convention. † No. 135.

General at Paris, duly authorized as plenipotentiary for that purpose, and he recommends, with the concurrence of the Minister of Agriculture, that it should be ratified on the part of the Dominion.

The Committee, concurring, advise that Your Excellency may be pleased to inform the Right Honourable the Secretary of State for the Colonies that it is the desire of the Canadian Government that the aforesaid Convention should be so ratified.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

18155

No. 137.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th April, 1922.)

(No. 125.)

SIR,

Governor-General's Office, Cape Town, 29th March, 1922.

I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions Treaty No. 4, of the 20th January, 1922,* copy of a minute from Ministers on the subject of the ratification of the International Refrigeration Convention, 1920.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 137.

MINUTE No. 226.

Prime Minister's Office, 27th March, 1922.

WITH reference to His Royal Highness the Governor-General's minute No. 62/2371, of the 18th February, 1922, Ministers note that His Majesty's Government propose to take the necessary steps, so far as Great Britain is concerned, for the ratification by His Majesty of the International Refrigeration Convention, 1920.

Ministers have the honour to recommend that His Royal Highness may be pleased to convey to the Right Honourable the Secretary of State for the Colonies their desire that the Convention should be ratified also for the Union of South Africa.

J. C. SMUTS.

23664

No. 138.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th May, 1922.)

(No. 79.)

SIR,

Government House, Wellington, 23rd March, 1922.

WITH reference to your despatch, Dominions Treaty No. 4, of the 10th [20th] January,* I have the honour to inform you that it is the desire of my Government that the International Refrigeration Convention should be ratified for New Zealand.

I have, &c.,

JELICOE,
Governor-General.

* No. 135.

27913

No. 139.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12th June, 1922.)

(No. 169.)

SIR, Governor-General's Office, Melbourne, 27th April, 1922.
 WITH reference to your despatch dated 20th January, 1922, Dominions Treaty No. 4,* relative to the proposed ratification by His Majesty of the International Refrigeration Convention, 1920, I have the honour to inform you that I am advised by my Prime Minister that it is desired that the Convention in question be ratified for the Commonwealth of Australia.

I have, &c.,
 FORSTER,
 Governor-General.

Note.—His Majesty's ratification of the Convention had not been deposited at the end of 1922.

INTERNATIONAL SANITARY CONVENTION, 1912.

(Treaty Series 1921, No. 2.)

59189

No. 140.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 446.)

MY LORD, Downing Street, 8th December, 1922.
 WITH reference to my predecessor's despatch, No. 234 of the 13th June, 1921,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a note from the French Government explaining the reasons for which they are unable to recognize the accession of the Government of the Commonwealth of Australia to the International Sanitary Convention, 1912. His Majesty's Government would be glad to learn your Ministers' wishes as to the action which should now be taken.

2. In this connexion it will be remembered that the reservations of the Commonwealth Government are not the only ones which have been made in regard to Article 9 of the Sanitary Convention, since in ratifying the Convention reservations were made by the United States, Spain, and Panama, all of which were accepted by the signatory Powers. The reserve made by the United States of America to Article 9 in the Protocol of Deposit of Ratifications reads as follows:—

"The representative of the Government of the United States of America has declared that his Government has ratified under the reserve that nothing in Article 9 of the Convention will be considered as prohibiting the United States from taking special quarantine measures against the infection of their ports which unusual sanitary conditions may render necessary. Whilst making this reserve, the Government of the United States does not contemplate any infringement of the basic regulations of the Convention."

3. One possible way out of the present difficulty might be for the Commonwealth Government to make their reserve in respect of Article 9 in precisely the same language as the United States of America. It would appear that the other parties to the Convention, having accepted the United States reserve, could hardly refuse to accept a similar reserve made *totidem verbis* by another party. Such a

* No. 135.

† No. 137 in Dominions No. 81.

course, if adopted, would appear also to dispose of the French contention that the Commonwealth reservations are contrary to the spirit of Article 159 of the Sanitary Convention.

I have, &c.,
 DEVONSHIRE.

Enclosure in No. 140.

Republique Française,
 Ministère des Affaires Etrangères,
 Paris, le 4 novembre, 1922.

Direction des Affaires
 Administratives et Techniques.

Sous Direction
 des Affaires Administratives
 & des Unions Internationales.

MONSIEUR L'AMBASSADEUR,

PAR lettre du 23 mai, 1921, vous avez fait part à mon prédécesseur de l'intention du Commonwealth d'Australie d'adhérer à la Convention sanitaire internationale du 17 janvier, 1912. Cette adhésion étant accompagnée de deux réserves, il n'a pas paru possible d'en prendre acte, sans consulter, au préalable, les Gouvernements des Etats qui sont parties à la Convention.

Il résulte des réponses reçues que plusieurs Gouvernements ne font pas d'objections à ces réserves, mais qu'un certain nombre d'entre eux estiment, comme le Gouvernement français, d'abord que des réserves sont incompatibles avec l'article 159 de la Convention sanitaire qui vise l'adhésion pure et simple, ensuite que l'une de ces réserves va à l'encontre des dispositions formelles de l'article 9; c'est celle d'après laquelle une localité où des cas de peste ont été constatés, soit sur l'homme, soit sur les animaux, ne cesserait d'être considérée, en Australie, comme contaminée que s'il est établi que, depuis la constatation du dernier cas de peste chez l'homme ou chez les rongeurs, les recherches des rongeurs infectés ont été poursuivies pendant un délai de six mois et si, pendant cette période, aucun rongeur infecté n'a été découverte.

Etant donnée cette situation, le Gouvernement français ne peut, à son regret, prendre acte de l'accession du Commonwealth d'Australie à la Convention sanitaire du 17 janvier, 1912.

Veuillez agréer, &c.,
 R. POINCARÉ.

INTERNATIONAL VETERINARY BUREAU.

Proposed International Convention.

17392

No. 141.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 143 and 144.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 171.)

[MY LORD,] [SIR],

Downing Street, 30th May, 1922.

WITH reference to [my despatch No. 534 of the 3rd October, 1921,*] [Your Excellency's telegram of the 15th April, 1921,*] [Your Excellency's telegram of the 12th April, 1921,*] [my despatch No. 324 of the 3rd October, 1921,*] [my despatch

* Not printed: these despatches and telegrams referred to the International Veterinary Conference, which recommended the establishment of this Bureau.

No. 140 of the 3rd October, 1921.* I have the honour to transmit to [Your Excellency], [Your Royal Highness], [you], to be laid before your Ministers, a copy of a note from the French Ambassador regarding a proposed International Convention for the creation of an International Veterinary Bureau.

2. This note is at present receiving consideration, and I shall communicate further with you on the subject in due course.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure in No. 141.

LA Conférence Internationale pour l'étude des Epizooties, qui s'est réunie à Paris du 25 au 28 mai, 1921, a recommandé la création à Paris d'un Office international pour la lutte contre les maladies infectieuses des animaux. Elle a exprimé le désir que cet office, placée sous l'autorité d'un Comité, composé des délégués techniques des divers états, fût rattaché à l'Office international d'Hygiène publique, sous réserve de l'approbation des Gouvernements adhérents à la Convention internationale de Rome, du 9 décembre, 1907.

D'autre part, la Conférence a émis le vœu "que le Gouvernement français prépare un projet de Convention sur les bases des résolutions adoptées par elle, communique ce projet à tous les pays représentés à la Conférence et invite les Gouvernements intéressés à désigner des plénipotentiaires pour la signature de ladite Convention, dans le plus bref délai possible.

En conformité des résolutions de la Conférence, le Gouvernement français a fait 1° Préparer, par ces services compétents, un projet d'arrangement pour la création à Paris d'un Office international des epizooties, 2° Editer une brochure reproduisant le compte rendu sténographique des séances de la Conférence.

En transmettant ces documents au Gouvernement britannique l'Ambassadeur de France a l'honneur de demander à Son Excellence le Principal Secrétaire d'Etat de Sa Majesté aux Affaires Etrangères si le Gouvernement anglais est disposé à envoyer des pleins pouvoirs à son représentant diplomatique à Paris, pour la signature d'une Convention identique au projet établi par le Gouvernement français, ou s'il estime qu'il conviendrait d'apporter des modifications tant au texte de l'arrangement qu'au texte des statuts.

En outre le Gouvernement français serait très heureux de savoir si le Gouvernement britannique n'a pas d'objection au rattachement éventuel de l'Office des Epizooties à l'Office international d'Hygiène publique.

Le Comte de Saint-Aulaire saisit, etc.

Ambassade de France
à Londres,
Albert Gate House,
5 avril, 1922.

26633

No. 142.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 197.)

[MY LORD,] [SIR,]

Downing Street, 16th June, 1922.

WITH reference to my despatch, Dominions No. 171, of the 30th of May,† regarding a proposed Convention for the creation of an International Veterinary Bureau, I have the honour to transmit to [Your Excellency] [Your Royal Highness] [you], for the information of your Ministers, a copy of a note to the French Ambassador asking for information as to the views of the French Government on the bearing of Article 24 of the Covenant of the League of Nations on the status of the proposed Bureau

I have, &c.,
WINSTON S. CHURCHILL.

* Not printed: these despatches and telegrams referred to the International Veterinary Conference, which recommended the establishment of this Bureau. † No. 141.

Enclosure in No. 142.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 2nd June, 1922.

IN your note of the 5th April last your Excellency was so good as to communicate to me the text of a proposed convention for the creation of an International Veterinary Bureau, and you inquired whether His Majesty's Government were disposed to sign such a convention.

2. I shall have the honour in due course of informing your Excellency of the reply of His Majesty's Government to this invitation. In the meantime, however, I should be grateful if you would acquaint me with the views of the French Government on the bearing of Article 24 of the Covenant of the League of Nations on the status of the proposed Bureau. His Majesty's Government would be glad to learn whether the French Government contemplate that the Bureau, when set up, should be placed under the direction of the League, notwithstanding that the International Health Office, to which it is proposed that the Bureau should be attached, remains outside the organisation of the League, or whether the Bureau should in their view itself remain outside that organisation.

I have, &c.,
(For the Earl of Balfour)
G. H. VILLIERS.

His Excellency Count de Saint-Aulaire,
&c., &c., &c.

31118

No. 143.

CANADA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 28th June, 1922.)

[Answered by No. 147.]

(No. 347.)

SIR,

Government House, Ottawa, 17th June, 1922.

WITH reference to your despatch, Dominions No. 171 of the 30th ultimo,* on the subject of a proposed International Convention for the creation of an International Veterinary Bureau, I have the honour to inform you that, after consideration of this proposal in the Department of Agriculture, it has been decided that it would not be advisable for Canada to participate in the creation of this Bureau.

I have, &c.,
L. H. DAVIES,
Deputy Governor-General.

46583

No. 144.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 19th September, 1922.)

[Answered by No. 146.]

(No. 478.)

SIR,

Governor-General's Office, Pretoria, 29th August, 1922.

I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions No. 171 of the 30th May, 1922,* copy of a minute from Ministers on the subject of a proposed International Convention for the creation of an International Veterinary Bureau.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

* No. 141.

Enclosure in No. 144.

MINUTE 680.

Prime Minister's Office, 28th August, 1922.

WITH reference to His Royal Highness the Governor-General's Minute No. 62/2510 of the 20th June, 1922, on the subject of a proposed International Convention for the creation of an International Veterinary Bureau, Ministers have the honour to state that they are in accord generally with the principle of the establishment of the International Bureau. Before deciding on the adherence of the Union thereto, however, Ministers will await the further communication referred to in paragraph 2 of despatch No. 171, dated the 30th May, 1922, from the Secretary of State for the Colonies.

J. C. SMUTS.

52629

No. 145.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24th October, 1922.)

[Answered by No. 148.]

SIR,

Foreign Office, S.W.1, 23rd October, 1922.

WITH reference to the letter from this department of the 2nd of June last,* regarding the proposed creation of an International Veterinary Bureau in Paris, I am directed by the Secretary of State for Foreign Affairs to transmit herewith a copy of a note from the French Ambassador containing the views of the French Government as to the bearing of article 24 of the Covenant of the League of Nations on the status of the proposed Bureau.

2. The opinion expressed in paragraph 1 of the Count de Saint-Aulaire's note appears to the Secretary of State to be correct.

I am, &c.,

G. H. VILLIERS.

Enclosure in No. 145.

EN réponse aux lettres de Votre Excellence, en date des 2 juin et 15 septembre derniers, le Gouvernement de la République me prie de faire savoir au Gouvernement de Sa Majesté britannique qu'il estime qu'il appartiendra aux Etats adhérents à l'Office en question de décider si cet office doit être rattaché à l'Office International d'Hygiène Publique, s'il doit l'être à la Société des Nations, si l'on peut et s'il faut le rattacher à aucun d'eux. Dans l'opinion du Gouvernement français, il suffit que l'un des Etats adhérents s'oppose au rattachement pour que le rattachement soit impossible. De plus, l'Office des Epizooties ne pourra être rattaché à l'Office International d'Hygiène Publique que du consentement unanime des Etats qui font partie de cette dernière institution internationale.

Sans doute, l'article 24 du Pacte de la Société des Nations dispose que tous les bureaux internationaux créés après la constitution de la Société des Nations seront placés sous l'autorité de la Société. Mais, dans l'opinion du Gouvernement de la République, ce texte ne peut lier que les signataires du Traité de Versailles; il ne s'impose pas aux pays tels que la République Argentine qui, non signataires du Traité de Versailles, ont été représentés à la Conférence chargée d'étudier la création de l'Office des Epizooties. D'autre part, il ne faut pas perdre de vue que les Etats-Unis d'Amérique ont déclaré se refuser au rattachement à la Société des Nations de l'un quelconque des organismes internationaux dont ils font partie. Or, les Etats-Unis ont également eu un délégué à ladite conférence.

Le Comte de Saint-Aulaire saisit, &c.

Ambassade de France à Londres,

Albert Gate House,

15 octobre, 1922.

* 26633: not printed. It enclosed a copy of the Note to the French Ambassador of the 2nd June (Enclosure in No. 142). † Enclosures in Nos. 142 and 146.

46583

No. 146.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 284.)

SIR,

Downing Street, 28th October, 1922.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's despatch No. 478 of the 29th of August,* and to transmit to you, to be laid before your Ministers, a copy of a Note to the French Ambassador with regard to the participation of His Majesty's Government in the proposed International Convention for the creation of an International Veterinary Bureau.

2. The Government of Canada have decided not to participate in the creation of this Bureau, but I have not yet been acquainted with the decisions of the Governments of the other Dominions.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 146.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 15th September, 1922.

WITH reference to my Note of 2nd June last,† I have the honour to inform Your Excellency that His Majesty's Government have decided to adhere to the proposed International Convention for the creation of an International Veterinary Bureau.

2. I should be glad to learn whether Your Excellency is now in a position to acquaint me with the views of the French Government on the bearing of Article 24 of the Covenant of the League of Nations on the status of the proposed Bureau, and whether they contemplate that the Bureau, when set up, should be placed under the direction of the League.

I have, &c.,
G. H. VILLIERS.

His Excellency

Count de Saint-Aulaire,

&c., &c., &c.

46583

No. 147.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. No. 519.)

(Commonwealth of Australia. No. 389.)

(New Zealand. No. 224.)

(Newfoundland. No. 162.)

[MY LORD,] [SIR,]

Downing Street, 28th October, 1922.

WITH reference to [To Canada: Sir L. H. Davies's despatch No. 347 of the 17th of June,‡] [To Commonwealth of Australia, New Zealand and Newfoundland: my predecessor's despatch Dominions No. 197 of the 16th of June,§] I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of a Note|| to the French Ambassador with regard to the participation of His Majesty's Government in the proposed International Convention for the creation of an International Veterinary Bureau.

I have, &c.,
DEVONSHIRE.

* No. 144. † Enclosure in No. 142. ‡ No. 143. § No. 142. || Enclosure in No. 146.

52629

No. 148.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 149.]

SIR,

Downing Street, 23rd November, 1922.

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letter of the 23rd October,* enclosing a copy of a Note from the French Ambassador on the subject of the proposed creation of an International Veterinary Bureau.

2. The arguments of the French Government are somewhat difficult to follow, and the Secretary of State feels doubtful whether the Note should be communicated to the Dominion Governments until further consideration has been given to the views expressed in it. From the draft Convention enclosed in your letter of the 11th of April,† it is observed that it is definitely intended that the proposed Bureau should be attached to the International Health Office, if the countries participating in that organization agree. The International Health Organization has not been placed under the direction of the League of Nations, because the United States of America, one of the participating countries, has refused its assent. No question arises as to the position of the International Health Office under Article 24 of the Covenant of the League, because, being one of the "international bureaux already established," it can only be placed under the direction of the League "if the parties to such Treaties consent."

3. It is not easy to understand why the French Government take the view that Article 24 of the Covenant binds only the signatories of the Treaty of Versailles, but, even if this view were correct, the question remains whether any country which is bound by Article 24 can escape the obligation imposed by the second sentence ("All such international bureaux . . . hereafter constituted shall be placed under the direction of the League") by arranging that a new Bureau shall be attached to an existing Bureau which is not under the direction of the League, or by admitting to participation in the new Bureau a country which is free to refuse to allow it to be placed under the direction of the League, and will, in fact, exercise that right.

4. The Secretary of State will be glad to receive Lord Curzon's further observations on the subject.

I am, &c.,

C. T. DAVIS.

60315

No. 149.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 6th December, 1922.)

SIR,

Foreign Office, S.W.1, 5th December, 1922.

WITH reference to your letter of the 23rd ultimo,‡ I am directed by the Secretary of State for Foreign Affairs to state that the correct interpretation of Article 24 of the Covenant of the League of Nations appears to him to be open to argument.

2. From the practical point of view there is evidently much to be said in favour of the opinion expressed by the French Government that new international bureaux such as the proposed Veterinary Bureau can only be placed under the League if all the participating Powers consent, provided that, as the French Government no doubt intend to be understood, no power which is bound by Article 24 can be regarded as at liberty to withhold its consent. It would create an almost intolerable situation if that article were to be interpreted so rigidly as to prevent the participation of a state not a member of the League in the work of an international bureau unless it consented to the bureau being placed under the direction of the League. If a non-member state objected on principle to its being so placed there would be an end to effective co-operation involving international machinery between that state and members of the League. Such a result would not only be most inconvenient but would be precisely contrary to the whole object of the Covenant of the League, viz.,

* No. 145. † 17392: not printed; it forwarded a copy of Enclosure in No. 141 and the draft Convention. ‡ No. 148.

the promotion of international co-operation. At the time of the drafting of the Covenant it was expected that all states would become members of the League. Owing to various political developments this expectation has not so far been verified, and until its fulfilment the Covenant should not, when it can be avoided, be read in such a way as to hinder co-operation between nations inside the League and nations outside it.

3. It is, however, evident that this view based on practical considerations must, if accepted, be applied with caution. It is doubtful whether it is strictly correct in law, and clearly no encouragement should be given to a non-member state to insist on a bureau in which its participation was desired being kept outside the League organization. At the same time Lord Curzon feels that practical necessity may drive members of the League in certain cases to agree to such a course, and he would not advocate the adoption by His Majesty's Government on technical legal grounds of a rigid attitude which would prevent participation by the United States, for instance, in a useful international bureau if such participation were likely to be valuable. He proposes, therefore, at a suitable moment, to inform the French Government that His Majesty's Government agree that the consent of all parties is necessary if the proposed Veterinary Bureau is to be placed under the League, but that in their view no state which is bound by Article 24 of the Covenant can withhold its consent.

4. The view apparently held by the French Government that Article 24 binds only those governments which originally signed the Covenant and not those which subsequently adhered to it appears to be of very doubtful validity, but there does not seem to be any necessity for contesting it at the present moment at any rate.

I am, &c.,

G. H. VILLIERS.

IRISH FREE STATE.

Position in relation to International Conventions.

11590

No. 150.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 151.]

SIR,

Downing Street, 9th March, 1922.

I AM directed by Mr. Secretary Churchill to request you to inform the Marquess Curzon of Kedleston that a question has arisen as to the position of the Irish Free State in relation to Treaties which have been signed but are awaiting ratification.

2. The position in connexion with the Conventions and Additional Protocol agreed upon at Barcelona in March and April, 1921, is dealt with in a separate letter* of even date, but Mr. Churchill would be glad if he could be supplied with a list of any other Treaties now awaiting ratification (apart from those signed at Washington as a result of the Disarmament Conference) in order that the position of the Irish Free State may be considered in relation to each.

I am, &c.,

C. T. DAVIS.

16324

No. 151.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 5th April, 1922.)

SIR,

Foreign Office, S.W.1, 5th April, 1922.

WITH reference to your letter of the 9th March† in regard to the position of the Irish Free State in relation to treaties which have been signed but are awaiting ratification, I am directed by the Marquess Curzon of Kedleston to

* No. 93. † No. 150.

transmit herewith a copy of the list of such agreements (apart from those signed at Washington during the recent Conference) which was communicated unofficially to your department on the 24th ultimo.

2. It was then explained that arrangements were being made for the exchange of ratifications of the Anglo-French Protocol respecting the New Hebrides of 6th August, 1914,* to take effect as from 18th March, 1922, and that the arrangements would shortly be completed for the exchange of ratifications of the Convention of 2nd February, 1922, with France regarding civil procedure.† The former of these two agreements does not concern Ireland, and the latter refers to civil procedure in France and England only.

3. At the request of this Department the Colonial Office gave special consideration to the position of the Irish Free State in relation to the Spitzbergen Treaty, the treaty regarding Bessarabia,‡ the Aaland Islands Convention,§ the agreement with Hungary in regard to Section III of Part X of the Treaty of Trianon|| and the Convention and Protocol with Siam¶ in regard to the settlement of matters arising out of Article 296 of the Treaty of Versailles (Enemy Debts). Unofficial communications have been received from your Department in regard to each of these agreements, to the effect that their ratification need not be delayed by any question as to the position of the Irish Free State. His Majesty's Ambassador at Paris has therefore been instructed to deposit at the French Ministry for Foreign Affairs the ratification of the Treaty regarding Bessarabia of 28th October, 1920‡; and arrangements are being made by the Cabinet Offices for the deposit of the King's ratification of the Aaland Islands Convention of 10th October, 1921,§ with the Secretariat of the League of Nations as soon as possible. As soon as the necessary arrangements have been completed, steps will be taken for the ratification of the Spitzbergen Treaty of 9th February, 1920, the Agreement with Hungary of 20th December, 1921,|| and the Convention and Protocol with Siam of 20th December, 1921.¶

4. The consideration of the question of the ratification of the Treaties regarding the Near East, signed on 10th August, 1920, viz., the Treaty of Sèvres and the Treaties concerning the affairs of Greece, Thrace and Armenia,** has been postponed pending the result of present negotiations.

5. Lord Curzon understands that the question of ratifying the treaties signed at the Washington Conference,†† the Air Convention,‡‡ the Barcelona Conventions,§§ and other Agreements, the ratification of which is still outstanding, was considered at the Colonial Office by a sub-committee of the Irish Committee of the Cabinet, who will submit to the Cabinet their recommendations as to the procedure to be followed.

I am, &c.,
F. E. ADAM.

Enclosure in No. 151.

LIST OF TREATY ARRANGEMENTS CONCLUDED BY HIS MAJESTY'S GOVERNMENT, THE RATIFICATION OF WHICH IS NOT YET COMPLETED.

1. Arms Traffic Convention, 10th September, 1919.
2. Air Convention, 13th October, 1919.
3. Spitzbergen Treaty, 9th February, 1920.
4. Treaty of Sèvres, 10th August, 1920.
5. Treaty concerning affairs of Greece, 10th August, 1920.
6. Treaty concerning affairs of Thrace, 10th August, 1920.
7. Treaty concerning affairs of Armenia, 10th August, 1920.
8. Treaty regarding Bessarabia, 28th October, 1920.
9. Refrigeration Convention, 27th October, 1920.
10. Aaland Islands Convention, 10th October, 1921.
11. Convention with France regarding Civil Procedure, 2nd February, 1922.
12. Barcelona Conventions, March-December, 1921.
13. Agreement with Hungary in regard to Section III and Part X of Treaty of Trianon (Enemy Debts), 20th December, 1921.
14. Protocol with France regarding the New Hebrides, 6th August, 1914.

* Treaty Series 1922, No. 7. † Treaty Series 1922, No. 5. ‡ Treaty Series 1922, No. 15.
§ Treaty Series 1922, No. 6. || Treaty Series 1922, No. 4. ¶ Treaty Series 1922, No. 3.
** Treaty Series 1920, Nos. 11, 12 and 13, and Treaty Series 1921, No. 13. †† [Cmd. 1627.]
‡‡ Treaty Series 1922, No. 2. §§ League of Nations Treaty Series, Vol. VII, Nos. 171-173.

15. Convention and Protocol with Siam in regard to the settlement of matters arising under Article 296 of the Treaty of Versailles (Enemy Debts), 20th December, 1921.

16. Convention: Traffic in women and children, Geneva. Closing date for signature, 31st March, 1922.

17. Convention between Great Britain and Denmark respecting the renewal of the Arbitration Convention of 25th October, 1905, 3rd May, 1921.

Foreign Office,
15th March, 1922.

Note.—The question was considered by a Sub-Committee of the Irish Committee of the Cabinet and the following correspondence was the result.

27611

No. 152

COLONIAL OFFICE to THE PROVISIONAL GOVERNMENT OF IRELAND.

[Answered by No. 153.]

SIR,

Downing Street, 2nd May, 1922.

I AM directed by Mr. Churchill to inform you that action is being taken to secure that any International Conventions which may be negotiated before the legal establishment of the Irish Free State will either:—

(a) Not apply to the Free State at all; or

(b) Not apply unless or until the Government of the Free State has decided that it desires to accede; or

(c) Contain a provision enabling the Irish Free State to withdraw from their operation.

2. International Conventions already in force will continue to apply to the Irish Free State when it is established unless or until they are modified. The necessary steps will be taken at the instance of the Free State Government with a view to putting the Free State in the same international position as the other self-governing Dominions in accordance with the Treaty.

3. In the same class with these Conventions are included International Conventions signed prior to the legalization of the Treaty and now due for formal ratification, such as the International Air Convention concluded in 1919, the Treaties concluded at the recent Conference at Washington, at the Second Assembly of the League of Nations, and at Barcelona in 1921.

I am, &c.,

L. CURTIS.

Secretary, P.G.I.C.C.

27611

No. 153.

THE PROVISIONAL GOVERNMENT OF IRELAND to COLONIAL OFFICE.

(Received 6th May, 1922.)

INTERNATIONAL CONVENTIONS.

A CHARA,

Baile Átha Cliath, 5th May, 1922.

I HAVE to acknowledge receipt of your letter of the 2nd instant,* regarding the above.

Mise le meas,

DÍARMUID ÓhÉIGCEARTUIGH,
Secretary to the Provisional Government.

* No. 152.

ITALY.

Commercial Treaty of 1883. Imposition of depreciated currency duty on imports into New Zealand.

12842

No. 154.

THE HIGH COMMISSIONER FOR NEW ZEALAND to COLONIAL OFFICE.

(Received 18th March, 1922.)

[Answered by No. 155.]

SIR,

New Zealand Government Offices,

415, Strand, London, W.C.2., 17th March, 1922.

I AM directed by the High Commissioner to enclose a copy of a memorandum which has been handed to him by Dr. F. Giannini, of the Italian Embassy, London.

As will be seen from this memorandum the levying under recent New Zealand legislation of "depreciated currency duty" on Italian goods is regarded by the Italian Government as being contrary to the terms of the Anglo-Italian Commercial Treaty of June, 1883.

It is a fact that New Zealand levies special duty on certain classes of goods imported from countries whose currencies are depreciated, the rate of such duty varying according to the extent of the depreciation. I regret being unable to forward a copy of the relative Statute in its present form, the text of a recent amendment not having yet been received.

Before communicating with New Zealand, the High Commissioner desires to ascertain, if possible, the opinion of the British Government as to whether the levying of such duty is actually an infringement of the treaty provisions. I shall therefore be grateful if you will kindly refer the matter to the proper quarter and advise me the outcome as soon as possible, at the same time forwarding a copy of the relative Article or Articles of the Treaty.

I am, &c.,

T. E. DONNE,

Secretary to the Department.

Enclosure in No. 154.

1. The commercial relations between Italy and New Zealand are governed by the provisions of the Anglo-Italian Commercial Treaty of June, 1883, to which New Zealand has adhered.

Such Treaty contains a clause which grants to the contracting countries the treatment of the Most Favoured Nations in respect of Custom duties, and the Italian Government have accordingly given to goods imported into Italy from New Zealand the benefit of the lowest rate of duty. Further, goods imported from New Zealand have also received the most favourable treatment in respect of import restrictions, being placed exactly on the same footing as British goods.

2. The New Zealand Tariff, as modified by the Customs Amendment Act, 1921, provides for a surtax on goods imported from countries with depreciated exchanges, and the Italian Government submits that such surtax cannot be applied to Italian goods as it would be against the terms of Art. 2 of the Commercial Treaty referred to above. The contention of the Italian Government is fully endorsed by the fact that the British Government have recognized that they are precluded by the said Art. 2 from making any Order imposing higher duties or special tariff on Italian goods of any class or description on the ground of the state of the Italian exchange which are not imposed on the importation of similar goods from all other foreign countries. The British Government have thus agreed that the provisions of the second part of the Safeguarding of Industries Act concerning the Anti-Dumping Duty on goods imported from countries with depreciated exchanges, cannot be applied to Italian goods.

3. For the same reasons the Italian Government take the view that Italian goods imported into New Zealand should be dutiable under the intermediate Tariff, if and when such favourable treatment is accorded to any other country.

ITALIAN COMMERCIAL DELEGATION,

7 & 8, Norfolk Street,

Strand, London, W.C.2.

15th March, 1922.

24763

No. 155.

COLONIAL OFFICE to THE HIGH COMMISSIONER FOR NEW ZEALAND.

(Confidential.)

SIR,

Downing Street, 31st May, 1922.

WITH reference to your letter of the 17th March,* enclosing a copy of a memorandum from the Italian Commercial Delegation on the subject of the special duty imposed on goods imported into New Zealand from countries having a depreciated currency, I am directed by Mr. Secretary Churchill to request you to inform the High Commissioner that the question whether the issue of orders under Section 2 (1) (a) or Section 2 (1) (b) of the Safeguarding of Industries Act would conflict with obligations in certain commercial treaties between this country and foreign countries, including the Anglo-Italian Commercial Treaty of 1883, has already been considered. I am to enclose, for the confidential information of the High Commissioner and the New Zealand Government, copies of a case submitted to the Law Officers of the Crown and of the Law Officers' opinion. In view of the opinion a letter was sent to Dr. Giannini, of which a copy is enclosed. It will be observed that the relevant provision of the Treaty is quoted in the case submitted to the Law Officers.

2. As New Zealand is a party to the Treaty in question, similar considerations would appear to apply to the levying of depreciated currency duty on Italian goods in New Zealand, and it would not be possible to refute the contention of the Italian Government referred to in your letter of the 17th March,* so long as the imposition of the duty placed Italy on a footing less favourable than that enjoyed by any other foreign country.

3. I am to add that commercial treaties affording most-favoured-nation treatment, to which New Zealand is a party, exist also with the following countries:

Argentine Republic.	Liberia.
Colombia.	Nicaragua.
Costa Rica.	Norway.
Denmark.	Spain.
Egypt.	Sweden.
Greece.	Switzerland.
Honduras.	Venezuela.

A similar position to that described in the preceding paragraph would apparently arise if it were proposed to impose depreciated currency duty on goods produced in those countries.

4. A copy of this correspondence is being sent to the Governor-General.

I am, &c.,

C. T. DAVIS.

Enclosure 1 in No. 155.

(Extract.)

THE Law Officers are accordingly requested to advise the Board of Trade:—

(1) Whether having regard to the terms of the American Treaty of 1815 and to the construction which the Americans themselves have placed upon that Treaty, His Majesty's Government would contravene the most-favoured-nation clause of the Treaty by issuing an Order under Section 2 (1) (a) of the Safeguarding of Industries Bill with regard to articles imported from America, there being no evidence of dumping from other countries at the time of making the Order.

(2) Whether having regard to the terms of the Italian Treaty of 1883, the Belgian Note of 1898, or the Japanese Treaty of 1911, the issue of Orders under either Section 2 (1) (a) or Section 2 (1) (b) of the Bill with regard to articles imported from Italy, Belgium, or Japan, as the case may be, would conflict with the obligations of His Majesty's Government under the Treaty or Note above referred to; and

(3) generally upon the case.

* No. 154.

Enclosure 2 in No. 155.

STRICTLY CONFIDENTIAL.

SAFEGUARDING OF INDUSTRIES BILL.

OPINION OF THE LAW OFFICERS OF THE CROWN AND MR. W. BOWSTEAD.

In the light of the information contained in our instructions we are inclined to think upon the whole that measures applied impartially for the prevention of unfair competition cannot properly be considered a contravention of the most-favoured-nation clauses in Commercial Treaties. We therefore answer the questions as follows:—

(1) No, we think not.

(2) We think that the issue of orders under Section 2 (1) (a) of the Bill with regard to articles imported from Italy, Belgium, or Japan would not conflict, but that the issue of orders under Section 2 (1) (b) would conflict, with the obligation of His Majesty's Government under the respective Treaty or Note.

GORDON HEWART.
ERNEST M. POLLOCK.
W. BOWSTEAD.

Enclosure 3 in No. 155.

DEAR DR. GIANNINNI,

27th June, 1921.

I HAVE to acknowledge the receipt of your letter of 18th June with regard to the possible application of Part II. of the Safeguarding of Industries Bill to Italian goods.

With reference thereto I desire to call your attention to the proviso to Sub-section (2) of Clause 2 of the Bill and to state for the information of your Government that the Board of Trade take the view that they are precluded by Article II. of the Anglo-Italian Commercial Treaty of 1883 from making any Order imposing any duties on Italian goods of any class or description on the ground of the state of the Italian exchange which are not imposed on the importation of similar goods from all other foreign countries. So far as these provisions of this part of the Bill are concerned, your Government may rest assured that, so long as the Anglo-Italian Treaty in question is in force, no such differential duties will be imposed on Italian goods.

The only other duties which could be imposed on any Italian goods under Part II. of the Bill are those which might be called for, should evidence be produced that any Italian manufacturers or groups of manufacturers were selling goods in the United Kingdom, or offering them for sale, at prices below those at which similar goods were being sold in Italy, and that employment in any industry in the United Kingdom was being, or was likely to be, seriously affected in consequence. In such event it might become necessary to consider whether a duty should be levied not on all Italian goods of the class in question, but only on such goods as were in fact sold in the United Kingdom at such prices. You will realise that the safeguarding of a British industry from the effects of what we regard as the unfair competition of an individual foreign exporter or group of exporters raises somewhat different considerations from those which arise in regard to the general advantages which the exporters as a whole in a particular foreign country may conceivably enjoy as the result of the state of the exchange.

I am not, however, aware of any case in which dumping of this character from Italy has been alleged, and I understood, moreover, in the course of our conversation, that in your opinion it was not likely in present circumstances that any Italian manufacturer would seek to sell his goods in this country at a price lower than he could command in the home market. If this be so it is clear that, so long as existing conditions are maintained, Part II. of the Bill would have no application to any Italian goods.

I am, &c.,

H. FOUNTAIN.

Dr. Gianninni,
Italian Commercial Delegation,
7 and 8, Norfolk Street, Strand, W.C.2.

27463

No. 156.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD,

Downing Street, 31st May, 1922.

I HAVE the honour to transmit to Your Excellency for the information of your Ministers, a copy of correspondence* with the High Commissioner for New Zealand regarding the special duty imposed on goods imported into New Zealand from countries having a depreciated currency. It is observed that Sections 8 and 9 of Commonwealth Act, No. 28 of 1921, contain provisions dealing with the imposition of special duties on imports from such countries into Australia.

2. It is thought that this correspondence will be of interest to your Ministers, in view of Lord Denman's despatch No. 150 of the 27th July, 1912,† regarding the Anglo-Italian Treaty of 1883.

I have, &c.,
WINSTON S. CHURCHILL.

27463

No. 157.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 160.]

(Confidential.)

MY LORD,

Downing Street, 31st May, 1922.

I HAVE the honour to transmit to Your Excellency for your information, a copy of correspondence* with the High Commissioner regarding the special duty imposed on goods imported into New Zealand from countries having a depreciated currency.

I have, &c.,
WINSTON S. CHURCHILL.

27463

No. 158.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 159.]

(Confidential.)

SIR,

Downing Street, 31st May, 1922.

I HAVE the honour to transmit to Your Royal Highness, for the information of your Ministers, a copy of correspondence* with the High Commissioner for New Zealand regarding the special duty imposed on goods imported into New Zealand from countries having a depreciated currency.

2. It is thought that this correspondence will be of interest to your Ministers in view of the proposal referred to in your telegram of the 6th May† to impose similar special duties in the Union of South Africa.

I have, &c.,
WINSTON S. CHURCHILL.

* Nos. 154 and 155. † No. 281 in Dominions No. 45. ‡ 21650: not printed; it related to Budget proposals which included "Additional special duties on dumped goods from countries whose currency has depreciated on exchange."

40598

No. 159.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th August, 1922.)

(Confidential.)

SIR, Governor-General's Office, Pretoria, 26th July, 1922.
I HAVE the honour to transmit to you herewith, with reference to your despatch Confidential of the 31st May, 1922,* a copy of Minute No. 584, from Ministers, dated 25th July, on the subject of the special duty imposed on goods imported into New Zealand from countries having a depreciated currency.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 159.

(Minute No. 584.)

Prime Minister's Office, Pretoria, 25th July, 1922.

MINISTERS have the honour to acknowledge the receipt of His Royal Highness the Governor-General's Minute (Confidential) No. 21/289 of the 22nd ultimo, transmitting for their information a despatch, with enclosures, from the Secretary of State for the Colonies, on the subject of the imposition by New Zealand of a special duty on goods imported from countries with a depreciated currency, with special reference to Italy.

In reply, Ministers have the honour to inform His Royal Highness that the provisions made by the Union of South Africa in regard to importations from countries so situate are not in conflict with Article II. of the Treaty of Commerce and Navigation between Great Britain and Italy, and consequently no action is called for by the Union Government.

PATRICK DUNCAN.

46842

No. 160.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th September, 1922.)

(Confidential.)

SIR, Government House, Wellington, 5th August, 1922.
WITH reference to your Confidential despatch of the 31st May,† transmitting a copy of correspondence with the High Commissioner regarding the special duty imposed on goods imported into New Zealand from countries having a depreciated currency, I have the honour to inform you that in view of the opinion of the Law Officers, the Government of New Zealand will cease to levy depreciated currency duty against goods being the produce or manufacture of Italy, or of countries having commercial treaties to which New Zealand has become a party.

I have, &c.,

JELlicoe,
Governor-General.

* No. 158.

† No. 157.

JAPAN.

Proposed Load-Line Agreement.

2163

No. 161.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 38.)

[MY LORD,] [SIR,]

Downing Street, 30th January, 1922.

WITH reference to my despatch Dominions No. 489 of the 10th December,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of the correspondence as noted in the margin, with the Japanese Ambassador regarding the provisional mutual recognition of load-lines by the British and Japanese Governments.

From Japanese Ambassador, 3rd November.
To Japanese Ambassador, 12th December.
To Japanese Ambassador, 12th December.

2. It is understood that under the provisional agreement the Japanese authorities will recognize load-lines on any British ships marked in the United Kingdom, and not only load-lines so marked on British ships registered in the United Kingdom.

3. Copies of the Japanese load-line law, which His Majesty's Ambassador at Tokio reports, comes into force on the 1st February, and of the Rules and Regulations under it are being obtained, and I will forward them to you in due course.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 161.

(No. 183.)

MY LORD MARQUESS,

Japanese Embassy, London, 3rd November, 1921.

WITH reference to Your Lordship's note of the 25th ultimo, relative to an arrangement for mutual recognition of the ship load-line certificate, I have the honour, under instructions from the Minister for Foreign Affairs, to propose that, pending the detailed examination by the British Government of the Japanese ship load-line rules, the Japanese Government, as a provisional measure, will recognize at the ports of Japan proper, the load-line certificates issued in accordance with the provisions of the Merchant Shipping Act, 1894, and held by British vessels, on condition that similarly the load-line certificates issued in accordance with the Japanese ship load-line law and held by Japanese vessels are recognized at the ports of the United Kingdom, and that in case either Government should have notified the intention of terminating the present provisional arrangement without the substitution of a formal agreement, it shall come to an end at the expiration of three months after the notification.

I have, &c.,

HAYASHI.

The Most Honourable

The Marquess Curzon of Kedleston, K.G., G.C.S.I., G.C.I.E.,
Foreign Office, S.W.1.

Enclosure 2 in No. 161.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 12th December, 1921.

WITH reference to your note of the 3rd ultimo, I have the honour to inform you that His Majesty's Government accept the proposal contained in Your Excellency's note, namely that, pending the detailed examination by His Majesty's

* 52549: not printed; it enclosed a copy of a Note from the Japanese Chargé d'Affaires containing proposals for an agreement for the mutual recognition of load-line certificates issued by the British and Japanese Governments.

Government of the Japanese ship load-line rules, the Japanese Government, as a provisional measure, will recognize at the ports of Japan proper, the load-line certificates issued in accordance with the Merchant Shipping Act, 1894, and held by British vessels, on condition that similarly the load-line certificates issued in accordance with the Japanese ship load-line law, and held by Japanese vessels, are recognized at the ports of the United Kingdom, and that in case either Government should have notified the intention of terminating the present provisional arrangement without the substitution of a final agreement, it shall come to an end at the expiration of three months after the notification.

2. His Majesty's Government will regard this agreement as entering into operation from the date of this note.

I have, &c.,
CURZON OF KEDLESTON.

His Excellency
Baron G. Hayashi,
&c., &c., &c.

Enclosure 3 in No. 161.

YOUR EXCELLENCY, Foreign Office, S.W.1, 12th December, 1921.

WITH reference to my note of to-day's date, accepting on behalf of His Majesty's Government Your Excellency's proposal for a mutual recognition of ship load-lines. I have the honour to inform you that in accordance with this arrangement the Board of Trade will now instruct their surveyors that load-lines marked on Japanese ships under Japanese law may be provisionally recognized as equivalent to the load-lines marked under the Merchant Shipping Acts.

2. I shall be glad to be notified of any proposal on the part of the Japanese colonies to adopt the new law or a similar law.

I have, &c.,
CURZON OF KEDLESTON.

His Excellency
Baron G. Hayashi,
&c., &c., &c.

910

No. 162.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 79.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR.] Downing Street, 7th March, 1922.

WITH reference to my despatch Dominions No. 38 of the 30th January,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a note from the Japanese Ambassador regarding the recognition of load-line certificates issued by Teikoku Kaiji Kyokai (the Imperial Marine Association) and Lloyd's Register of Shipping.

I have, &c.,
WINSTON S. CHURCHILL.

* No. 161.

Enclosure in No. 162.

(No. 17.)

MY LORD MARQUESS, Japanese Embassy, London, W., 10th February, 1922.

WITH further reference to Mr. Nagai's note No. 163 of the [120th] 26th September last, on the subject of the mutual recognition of ship load-line certificate, I have the honour to inform Your Lordship under instructions of my Government that in accordance with Article 9 of the Ship Load-Line Law, the Department of Communications of the Japanese Government have given their approval under date of the 1st instant to Teikoku Kaiji Kyokai (the Imperial Marine Association) and Lloyd's Register of Shipping, for engaging in the assignment of the ship load-line, and that accordingly the load-line certificates issued by these classification societies will be recognized as equivalent to those issued under the Law above mentioned.

I have, &c.,
HAYASHI.

The Most Honourable
The Marquess Curzon of Kedleston, K.G., G.C.S.I., G.C.I.E.,
Secretary of State for Foreign Affairs,
Foreign Office.

910

No. 163.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 108.)

MY LORD, Downing Street, 7th March, 1922.

WITH reference to my despatch Dominions No. 79 of the 7th March,* I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of correspondence with the Japanese Ambassador regarding the desire of the Japanese Government to make arrangements with the Governments of India, Victoria, South Australia, and the Straits Settlements for the mutual recognition of load-line certificates.

2. It is understood that the parts of the Empire named have been mentioned as those in respect of which Orders-in-Council have been issued under section 444 of the Merchant Shipping Act, 1894.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure 1 in No. 163.

(No. 1.)

MY LORD MARQUESS, Japanese Embassy, London, 2nd January, 1922.

WITH reference to Mr. Nagai's note No. 163 of the 20th September last, I have the honour to inform Your Lordship, under instruction from the Minister for Foreign Affairs, that the Imperial Government are desirous of making a separate arrangement with each of the Governments of the Straits Settlements, India, Victoria, and South Australia, whereby they mutually recognize the load-line certificates issued by each other Government and held by vessels of each other country within the ports of Japan proper and those Colonies.

In case, however, the formal arrangement for that purpose cannot be reached at an early date, the Imperial Government propose to make with each of those Governments a provisional arrangement similar to that which has recently been entered into between the Governments of Great Britain and Japan.

I have, &c.,
HAYASHI.

The Most Honourable
The Marquess Curzon of Kedleston, K.G., G.C.S.I., G.C.I.E.,
&c., &c., &c.,
Secretary of State for Foreign Affairs,
Foreign Office, S.W.1.

* No. 162.

Enclosure 2 in No. 163.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 31st January, 1922.

WITH reference to Your Excellency's note No. 1 of the 2nd instant, stating that the Japanese Government are desirous of making separate arrangements for the mutual recognition of load-line certificates, I have the honour to inform you that the matter has been referred to the competent departments.

2. It is possible that, owing to the time required for the examination of this question by the British possessions concerned, it will hardly be found worth while, pending the conclusion of a permanent agreement, to conclude a provisional arrangement on the lines of that effected in respect of the United Kingdom. I shall not fail to inform you without delay so soon as the matter is decided.

I have, &c.,

(In the absence of the Secretary of State),

VICTOR WELLESLEY.

His Excellency

Baron Consuke Hayashi,

&c.,

&c.,

&c.

13877

No. 164.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 138.)

[MY LORD,]

Downing Street, 29th March, 1922.

WITH reference to my despatch No. 108 of the 7th of March,* I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of correspondence with the Japanese Ambassador regarding the arrangements for the mutual recognition of load-line certificates.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 164.

(No. 46.)

MY LORD MARQUESS,

Japanese Embassy, London, 15th March, 1922.

WITH reference to my note, No. 15, of the 7th ultimo, relative to separate arrangements with some of the British Colonies for the mutual recognition of ship load-line certificates, I have the honour to state that I should be greatly obliged if Your Lordship would be so good as to cause the proper authorities to notify the existence of the provisional agreement applicable to the United Kingdom and Japan Proper not only to the authorities of the Straits Settlements, but also to those of South Australia.

I have, &c.,

HAYASHI.

The Most Honourable

The Marquess Curzon of Kedleston, K.G., G.C.S.I., G.C.I.E.,

Secretary of State for Foreign Affairs,

Foreign Office, S.W.1.

Enclosure 2 in No. 164.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 22nd March, 1922.

WITH reference to Your Excellency's note No. 46, of the 15th instant, on the subject of separate arrangements with certain British possessions for the mutual recognition of load-line certificates, I have the honour to inform you that His

* No. 163.

Majesty's Principal Secretary of State for the Colonies transmitted to the Officers Administering the Governments of the self-governing Dominions, in a despatch dated 30th January last,* copies of the notes exchanged between Your Excellency and myself for the mutual recognition of these certificates in respect of the United Kingdom and Japan Proper.

I have, &c.,

(In the absence of the Secretary of State)

W. TYRRELL.

His Excellency

Baron G. Hayashi, G.C.V.O.,

&c.,

&c.,

&c.

Note.—Correspondence as to the conclusion of an Agreement on this subject was still proceeding at the end of 1922.

LATVIA.

Proposed Commercial Treaty.

Position of British Subjects under Commercial Treaties.

55125

No. 165.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 166.]

SIR,

Downing Street, 23rd February, 1922.

I AM directed by Mr. Secretary Churchill to request you to inform the Marquess Curzon of Kedleston that he has had under consideration your letter of the 5th November, 1921,† renewing the suggestion that an inter-departmental conference should be held to discuss the proposal that future Commercial Treaties should be so drawn up as to exclude British subjects connected with a non-adhering Dominion from the benefits conferred by the Treaties on British subjects as such.

2. Mr. Churchill's objections to this proposal were set out in detail in the letter from this Department of the 16th September, 1921,‡ and may be summarized as follows: (1) The present model form of Treaty was adopted after consultation with the Dominions, and any such modification as that proposed could only be adopted after further similar consultation; (2) the principle hitherto followed is based on opinions of the Law Officers of the Crown and has been adopted in communications with foreign Governments as a matter of settled policy: nothing has occurred to suggest that this policy should be varied; (3) no distinction of principle exists between the right of His Majesty's Government to extend diplomatic protection to British subjects connected with the Dominions and the right to secure by Treaty any particular rights for such British subjects, and as a matter both of principle and of practical convenience it is highly desirable that the personal rights of all British subjects in a foreign country should stand on the same footing; (4) in any case the matter cannot be considered in relation to the Dominions only, and it is probable that considerable difficulty would be experienced in defining precisely which British subjects were to be regarded as belonging to any particular part of the Empire.

3. These objections still seem to Mr. Churchill to be most cogent. The first has been emphasized subsequently by the insistence of the New Zealand Government (see Governor-General's Confidential despatch of 23rd September enclosed in the letter from this Department of 23rd November§) on the desirability of securing most-favoured-nation treatment in Siam for the Dominions.

4. Apart from the difficulties referred to in paragraph 2 of this letter, Mr. Churchill sees the gravest objections of principle to the proposal, which he can only regard as tending to impair the unity of the Empire. He has the less hesitation in urging this view having regard to the stress laid upon the principle of

* No. 161.

† No. 153 in Dominions No. 81.

‡ No. 152 in Dominions No. 81.

§ 56216: not

printed; it enclosed copy of No. 244 in Dominions No. 81.

common citizenship in the Articles of Agreement with Ireland and the undesirability that the commencement of the new régime in Ireland should be marked by the adoption of a new attitude on the part of His Majesty's Government in the matter of the position, under Commercial Treaties, of British subjects connected with the overseas Dominions. If the maintenance of the principle of common citizenship was important before the signature of the Irish Treaty, it is, in Mr. Churchill's opinion, vital at the present day.

5. In the circumstances Mr. Churchill hopes that Lord Curzon will agree that negotiations for future commercial treaties should continue to be based on the understanding that any rights secured can be claimed on behalf of all British subjects. It is, however, recognized that the form of Colonial Article in future Commercial Treaties will require modification in view of the pending establishment of the Irish Free State; on this point I am to invite reference to the letter from this Department of 10th February* relating to the proposed agreement with Finland.

6. I am to add that the position of mandated territories in relation to Commercial Treaties is discussed in the letter from this Department of the 9th February.†

7. A copy of this letter is being sent to the Board of Trade.

I am, &c.,

C. T. DAVIS.

19643

No. 166.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 26th April, 1922.)

SIR,

Foreign Office, S.W.1., 25th April, 1922.

I AM directed by the Marquess Curzon of Kedleston to refer to your letter of the 23rd February last‡ regarding the suggestion that an inter-departmental conference should be held to consider the position of British Dominion subjects under commercial treaties, and to state, for the information of the Secretary of State for the Colonies, that he does not desire at this moment to press the suggestion further.

I am, &c.,

R. H. CAMPBELL.

Note.—For the form of "Colonial Articles" finally agreed upon, see Note to No. 206.

LEAGUE OF NATIONS.

(1) Admission of Germany.

31856/S

No. 167.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.55 p.m., 14th July, 1922.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Paraphrase.)

14TH JULY. Secret. Prime Minister sends following message for your Prime Minister:—

* No. 62.

† No. 202.

‡ No. 165.

Begins: At last year's Conference, as you know, we discussed question of admission of Germany to League of Nations, and it was agreed generally that her admission was desirable. Subsequently, I talked matter over informally with Wirth at Genoa, and recently we have been considering the best means of approaching France and Germany in order to make our views known.

We have come to conclusion, with regard to France, that the most hopeful plan is to let French Government know that we are generally in favour of Germany's admission to the League, and the Acting Foreign Secretary has already spoken to the French Ambassador in this sense. It seems inadvisable to enter into formal discussions since a direct proposal would probably lead to refusal.

As regards Germany, British Ambassador at Berlin is being authorized to sound the German Government, and if the symptoms are favourable, to encourage them to make application for membership before the next meeting; and also to let them know that representatives of British Government at next Assembly will be prepared to support Germany's admission to membership of the Council, though, of course, we can say nothing about the line that France will take. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

Note.—Germany did not apply for admission at the Assembly of 1922.

(2) Ratification of Amendments of Covenant.

(Treaty Series 1923, No. 4.)

63114

No. 168.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 3.)

SIR,

Downing Street, 4th January, 1922.

I HAVE the honour to request you to inform your Ministers that at the meeting of the Second Assembly of the League of Nations, held at Geneva in September last, various proposals for amending the Covenant of the League were under consideration. These proposals resulted from reports of three Committees, which I enclose herewith, viz., those on (a) Amendments to the Covenant,* (b) International Blockade,† and (c) Allocation of Expenses.‡

2. These reports were considered by Committees of the Second Assembly, copies of the reports of which are also enclosed, viz.: (1) Reports of the First Committee regarding amendments to the Covenant,§ (2) Reports of the Third Committee on the Economic Weapon of the League,|| (3) Report by the Fourth Committee as to Allocation of Expenses, with a supplementary memorandum by the Rapporteur to this Committee.¶

3. As the result of the work of these Committees, the Second Assembly adopted a series of resolutions and recommendations dealing with the various amendments to the Covenant which have been proposed. The accompanying memorandum** sets out these amendments and the action taken with regard to them.

4. The amendments of the Covenant adopted by the Assembly are set out in a further memorandum** enclosed. Your Ministers will observe, however, from the accompanying note†† drawn up by Mr. Balfour that an agreement was made between himself and the French delegation at Geneva that no action would be taken by His Majesty's Government or the French Government with regard to the ratification

* (A24 and A24 (1), 1921).

† (A28, 1921).

‡ (A40, 1921).

§ (A119, 1921).

|| (A115 and A166).

** (A179, 1921, and A184, 1921).

** C.P. 3450 and 3477. The text of the

Amendments which were subsequently ratified is contained in Treaty Series 1923, No. 4.

†† Enclosure in No. 156 in Dominions No. 81.

of the proposed amendment to Article 16 (Economic Weapon of the League) before the meeting of the Assembly of the League in 1922.

5. The question of the arrangements for the signature and ratification of the Protocols setting out the remaining resolutions amending various Articles of the Covenant is now under consideration.

I have, &c.,
WINSTON S. CHURCHILL.

9150

No. 169.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 2.30 p.m., 8th March, 1922.)

TELEGRAM.

[Answered by Nos. 170, 171, 172, 173 and 176.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

8TH MARCH. My despatch 31st December, Dominions Treaty No. 47.* Decided that Protocols embodying amendments Covenant League of Nations, except those relating to Article 16, should be signed by British representative on Council at first opportunity, probably at next meeting of Council; and proposed that Protocols so signed should be ratified by His Majesty in due course. Do your Ministers concur in ratification of these Protocols? If so, it would be convenient if they could arrange for prior signature of Protocols in question at Geneva at convenient opportunity. [To Union of South Africa: except those already signed by representative of Union of South Africa at Second Assembly].—SECRETARY OF STATE FOR THE COLONIES.

12587

No. 170.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.50 a.m., 16th March, 1922.)

TELEGRAM.

16TH MARCH. Your telegram 8th March.† Government of New Zealand concurs in ratification of the Protocols embodying the amendments to the Covenant of the League of Nations excepting those relating to Article 16, and arrangements are being made for Sir James Allen to sign Protocols in question prior to ratification.—JELlicoe.

18537

No. 171.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.20 a.m., 19th April, 1922.)

TELEGRAM.

18TH APRIL. Your telegram 8th March,† Protocols embodying amendments Covenant League of Nations. My Ministers concur in ratification of Protocols except in relation to Article 16, and request prior signature on behalf of Commonwealth by British representative on Council.—GOVERNOR-GENERAL.

* No. 156 in Dominions No. 81. † No. 169.

21931

No. 172.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.15 a.m., 9th May, 1922.)

TELEGRAM.

8TH MAY. Your telegram 8th March* and your despatch 13th March, Dominions Treaty No. 9,† Covenant of League of Nations. Ministers concur in ratification of Protocols embodying proposed amendments with exception of Article 16. High Commissioner, Union of South Africa, will be asked to arrange for signature as soon as he returns from Genoa.—ARTHUR FREDERICK.

23398

No. 173.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.0 p.m., 15th May, 1922.)

TELEGRAM.

15TH MAY. Your telegram 8th March* and your telegram 8th May.‡ Government of Canada are authorizing High Commissioner in London to proceed to Geneva immediately to sign Protocols of amendments to Covenant of League of Nations except those relative to Article 16. They propose, however, to submit amendments to Parliament which is now sitting before advising ratification.—BYNG.

24719

No. 174.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 204.)

MY LORD,

Downing Street, 30th May, 1922.

WITH reference to Your Excellency's telegram of the 18th April,§ I have the honour to request you to inform your Ministers that the Earl of Balfour signed on the 17th May, on behalf of the Commonwealth of Australia, all the Protocols containing the amendments to the Covenant of the League of Nations, excepting those relating to Article 16.

I have, &c.,

WINSTON S. CHURCHILL.

24719

No. 175.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 86.)

SIR,

Downing Street, 19th June, 1922.

WITH reference to my despatch No. 3 of the 4th January,|| regarding proposed amendments to the Covenant of the League of Nations, I have the honour to request you to inform your Ministers that it was decided that the Protocols embodying the amendments, with the exception of those relating to Article 16, should be signed by the British representative on the Council of the League. They were accordingly signed by the Earl of Balfour on the 17th May.

* No. 169. † 9150: not printed; it enclosed a copy of correspondence with the League of Nations as to amendments to Article 6 (allocation of expenses). ‡ 19886: reminder; not printed. § No. 171. || No. 168.

2. In signing the Protocol recording the third amendment to Article 6, Lord Balfour appended a reservation to the effect that signature has only been given on the understanding that the permanent basis of contribution to the funds of the League is to be considered in 1924, and is not to be regarded as binding after that date, unless definitely revoked by the Assembly.

3. It is proposed that the Protocols so signed shall be ratified by His Majesty in due course.

I have, &c.,

WINSTON S. CHURCHILL.

32814

No. 176.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.40 p.m., 6th July, 1922.)

TELEGRAM.

6TH JULY. Your telegram 8th March,* Order in Council passed 3rd July, approving ratification of Protocols of amendment embodying amendments to Articles 4, 6, 12, 13, 15, 26 of Covenant of League of Nations. Despatch follows by mail.—BYNG.

Note.—His Majesty's ratification of the Protocols had not been deposited at the end of 1922.

(3) Amendment of Article 16 of Covenant (Economic Weapon.)

14222

No. 177.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

[Answered by Nos. 179, 180, 181 and 182.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.

Dominions Treaty No. 17. Confidential.)

[MY LORD.] [SIR.]

Downing Street, 10th May, 1922.

WITH reference to my despatch Dominions Treaty No. 47, of the 31st December, 1921,† I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] to be laid before Your Ministers, copies of the report‡ of an Inter-Departmental Committee appointed to consider the proposed amendments to Article 16 of the Covenant of the League of Nations.

2. I should be glad to learn whether your Ministers have any observations to offer on this report and, in particular, whether they concur in the proposal contained in paragraph 11 to open negotiations with the French Government as to the first of the proposed amendments.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 169.

† No. 156 in Dominions No. 81.

‡ Extract only printed here.

Enclosure in No. 177.

REPORT OF THE INTER-DEPARTMENTAL COMMITTEE TO CONSIDER THE AMENDMENTS TO ARTICLE 16 OF THE COVENANT OF THE LEAGUE OF NATIONS.

(Extract.)

9. The Committee have, therefore, considered whether it might not be possible to combine both the ideas of residence and nationality, and to substitute some such phrase as "persons subject to the jurisdiction of the State" for those who are to be covered by the prohibitions enacted by the State enforcing the boycott. The first paragraph of Article 16 might, if this idea were adopted, be worded as follows:—

"Should any member of the League resort to war . . . it shall *ipso facto* be deemed to have committed an act of war against all other members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between persons subject to their jurisdiction and persons in the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between persons in the covenant-breaking State and persons in any other State whether a member of the League or not.

11. The Committee are therefore of opinion (a) that the word "nationals" in Article 16 ought to be amended; (b) that, if France can be induced to accept the amendment adopted at Geneva, it should be ratified by His Majesty's Government; and (c) that, if France cannot be persuaded to ratify the proposed amendment, some such modification of paragraph 1 of the article should be proposed as a new amendment at the third assembly.

21. In conclusion, the Committee desire to draw attention to the fact that the protocol embodying the first amendment has already been signed by the representative of South Africa at the second assembly. The many difficulties surrounding the application and enforcement of the economic weapon will be sensibly increased if different parts of the Empire are bound by divergent stipulations on the subject, and they, therefore, recommend that all the Dominion Governments and India should be consulted and invited to co-operate in whatever policy may ultimately be decided on in connexion with the modification of Article 16.

14222

No. 178.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Confidential.)

SIR,

Downing Street, 10th May, 1922.

WITH reference to my despatch No. 3 of the 4th January,* I have the honour to transmit to you, to be laid before your Ministers, copies of the report† of an Inter-Departmental Committee appointed to consider the proposed amendments to Article 16 of the Covenant of the League of Nations.

I have, &c.,

WINSTON S. CHURCHILL.

33235

No. 179.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.55 a.m., 9th July, 1922.)

TELEGRAM.

(Paraphrase.)

YOUR Confidential despatch of 10th May, Dominions Treaty No. 17.‡ Proposal to open negotiations with French Government as to the first of the proposed amendments to Article No. 16 of the Covenant of the League of Nations is concurred in

* No. 168.

† See enclosure in No. 177.

‡ No. 177.

by Canadian Government. The only other observation they have to offer at present on the report of the Inter-Departmental Committee, concerns paragraph 21, with which they are in sympathy. It is clearly desirable in order to promote success of League, that every effort should be made to avoid divergence of view between the different parts of the Empire with regard to the application of the economic weapon.—BYNG.

33622

No. 180.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th July, 1922.)

(Confidential.)

SIR, Governor-General's Office, Cape Town, 23rd June, 1922.
I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions Treaty No. 17, Confidential, of the 10th May, 1922,* copy of Minute No. 460 from Ministers, dated 19th June, 1922, on the subject of the proposed amendment of the Covenant of the League of Nations.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 180.

(Minute No. 460.)

Prime Minister's Office, Cape Town, 19th June, 1922.

MINISTERS have the honour to acknowledge the receipt of His Royal Highness the Governor-General's Minute No. 3/4000 of the 1st June, transmitting for their consideration Dominions Treaty No. 17 of the 10th May, on the subject of the proposed amendment of the Covenant of the League of Nations.

Ministers have acquainted themselves with the report of the Inter-Departmental Committee appointed to consider the amendments to Article 16 of the Covenant, and are prepared to concur in the recommendations of the Committee contained in paragraph 11 of their report.

With regard to paragraph 21 of the report, in which reference is made to the fact that the Protocol embodying the first amendment to Article 16 of the Covenant has already been signed by the representative of South Africa at the Second Assembly, Ministers have instructed the High Commissioner for South Africa, who will be their representative, to associate himself with the Imperial Government and other Dominion Governments in regard to the proposed amendments, and, if possible, to substitute the amendments so decided for the Protocol which has already been signed.

Ministers concur in the view expressed that difficulties are likely to arise if different parts of the Empire are bound by divergent stipulations, and are prepared to co-operate wherever possible in order to advocate a common policy.

J. C. SMUTS.

38359

No. 181.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11 a.m., 4th August, 1922.)

TELEGRAM.

4TH AUGUST. Your telegram 8th July.† Your despatch 10th May, Dominions Treaty 17, Confidential.‡ Amendment Article 16 League Nations Covenant. Government of New Zealand agree recommendation Committee, and concur proposal open negotiations Government of France.—JELlicoe.

* No. 177.

† 32150: reminder; not printed.

‡ No. 177.

44592

No. 182.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.30 a.m., 6th September, 1922.)

TELEGRAM.

6TH SEPTEMBER. Your despatch 10th May, Dominions No. 17.* Amendments Article 16 Covenant League Nations. My Ministers concur with proposal contained in paragraph 11. It appears to them that if other amendments finally adopted alteration of present second paragraph necessary as opening words "It shall be the duty of the Council ? in such case" would be read as referring to postponement contemplated paragraph 4. They suggest therefore following words be substituted: "It shall be the duty of the Council in the event of the application of economic pressure in pursuance of this Article."—FORSTER.

Note.—Negotiations with the French Government took place, but had not led to any result by the end of 1922.

LITHUANIA.

Commercial Agreement.

(Treaty Series, 1922, No. 9.)

5427

No. 183.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4th February, 1922.)

[Answered by No. 184.]

SIR,

Foreign Office, S.W.1, 3rd February, 1922.

I AM directed by the Marquess Curzon of Kedleston to transmit to you herewith the accompanying copies of correspondence which has passed between this department and the Board of Trade regarding the initiation of negotiations for the conclusion of a commercial agreement between the United Kingdom and Lithuania.

2. It will be observed that the Board of Trade in paragraph 4 of their letter of the 23rd December last, have inquired whether the proposed agreement should be restricted in its application to the United Kingdom only, or whether some provision should be made for extending its scope so as to include other parts of the Empire, should they so desire.

3. In this connexion it will be within the recollection of the Colonial Office that this department in their letter of 20th July last,† and subsequent correspondence, suggested that an inter-departmental conference should be held to determine the question of the formula to be employed providing for the adherence to permanent treaties of the Dominions, Colonies, etc. This suggestion met with the approval of the Board of Trade, but the Colonial Office were at that time unable to see their way to concurring in its adoption, and no further progress has been achieved in the matter.

4. It will be seen, however, from paragraph 3 of Foreign Office letter to the Board of Trade, of 3rd February, that this department has suggested that the same provisions should be inserted in the draft exchange of notes as were embodied in the agreement with Esthonia for enabling such of the Dominions, as should so desire, to accede to the temporary arrangement, and that the precedent established during the negotiations for the conclusion of that agreement with regard to the notification of the accession of Dominions, etc., might with advantage be followed on this occasion.

* No. 177.

† No. 151 in Dominions No. 81.

5. I am to request that the Colonial Office will state their views on this matter, and whether they concur in the amendments which it is suggested should be made in the draft exchange of notes.

6. I am to add that a similar communication on this subject is being addressed to the India Office.

I am, &c.,

J. D. GREGORY.

Enclosure 1 in No. 183.

(C. R. T. 6500/21.)

Board of Trade (Commercial Relations and Treaties Department),
Great George Street, London, S.W.1, 23rd December, 1921.

SIR,

WITH reference to your letter regarding the desirability of concluding some form of commercial arrangement between this country and Lithuania, I am directed by the Board of Trade to state that they concur in Lord Curzon's suggestion that some temporary agreement might be effected by means of an exchange of notes, to remain in force until succeeded by a definitive treaty to be concluded at some future date if and when *de jure* recognition is accorded to the Lithuanian Government by His Majesty's Government. In this connexion I am to refer to previous correspondence on the subject ending with the letter (C. R. T. 1158) which was addressed to you from this Department on the 8th April on the proposal then put forward for a United Kingdom-Lithuania Commercial Agreement. In that letter the Board pointed out that the negotiation of an arrangement presented considerable difficulties in view of the imminent introduction into Parliament of legislative proposals likely to affect to a considerable extent the foreign trade policy of this country (i.e., the Safeguarding of Industries Bill). The Bill in question has now, as Lord Curzon is aware, become law, and under its provisions orders may be made by the Board of Trade under certain conditions imposing duties on specified goods originating in countries where the currency is depreciated. The Board are, however, precluded from making such Orders in respect of the products of any particular country so long as there is in force between that country and the United Kingdom a Treaty or other arrangement which secures to the goods of the country concerned on importation into the United Kingdom full most-favoured-nation treatment in respect of Customs duties.

In the case of Finland, Lord Curzon will recollect that a special Article was included in the draft Exchange of Notes prepared in this Department and forwarded under cover of the Board's letter (C.R.T. 5674) of the 29th October,* reserving from the grant of full most-favoured-nation treatment to Finnish goods, the right of His Majesty's Government to levy special Customs duties under the Safeguarding of Industries Act. This reservation was considered necessary in the case of Finland as the Board anticipate that there are certain goods (notably paper) manufactured in that country in regard to which they may be called upon to put into force the provisions of Part II of the Safeguarding of Industries Act relating to the prevention of dumping resulting from depreciation of currency.

In the case of Lithuania, however, there are, so far as can be foreseen, no manufactured products (articles of food and drink being excluded in any case) in respect of which it is likely that applications will be received by the Board for the imposition of such special duties, and there is, therefore, so far as the Board are aware, no practical objection to His Majesty's Government entering into a commercial arrangement with Lithuania giving full most-favoured-nation treatment on both sides and containing no such reservation as was thought necessary in the case of Finland. Nevertheless, to safeguard the position of His Majesty's Government in this matter, the Board are of opinion that it is necessary to provide that the proposed arrangement shall be terminable at not more than three months' notice, so that it would still be possible, should the occasion arise, to make an Order under Section 2 (1) (b) of the Act.

Lord Curzon will observe that the accompanying draft exchange of notes applies to the United Kingdom only, and not to other parts of the Empire. It is presumed that there is no objection to an arrangement so limited when it is of a purely temporary character and probably destined to be superseded by a permanent treaty if and when *de jure* recognition is accorded to the Lithuanian Government.

* Sub-enclosure in No. 94 in Dominions No. 81.

Such a permanent treaty would, of course, have, in some form, to provide for application to the Dominions, Colonies, etc., though it is understood that the exact form of the appropriate provision in such a treaty has not yet been settled between your Department and the Colonial Office, and is to form the subject of an interdepartmental conference to be held shortly in accordance with the proposal contained in your letter of the 5th November.* Should, however, either the Colonial Office or the India Office desire that some provision should be made for extending the temporary arrangement to other parts of the Empire, Lord Curzon will, no doubt, arrange for the preparation, in consultation with the departments concerned, of the necessary paragraph for insertion in the draft exchange of notes.

In this connexion, I am to say that the Board presume that there is nothing resulting from the settlement with Ireland to preclude the use of the term the "United Kingdom" in future treaties and arrangements relating to Great Britain and Northern Ireland only.

Lord Curzon will recall, in connexion with the proposed commercial agreement with Latvia, that in despatch No. 247, of the 31st October, to His Majesty's Representative at Riga, the opinion was expressed that a settlement of claims of British subjects against the Lettish Government will be required before a Commercial Treaty could be signed. The Board presume that similar considerations will be borne in mind in connexion with the signing of an Agreement with Lithuania. So far as they are aware, there is only one case of importance outstanding at the present time, namely, the claim of Mr. Tilden Smith and the National Metal Bank against the Lithuanian Government. It is, however, understood that negotiations are going on between the two parties in this matter and that a satisfactory conclusion is not improbable.

There is possibly one further matter which might perhaps be borne in mind in this connexion, namely, the negotiations between the Marconi Company and the Lithuanian Government referred to in your letter of the 9th November for the grant of concessions in Lithuania in wireless matters. In view of the desirability of securing such concessions to British interests and excluding German concerns, the Board would suggest, subject to Lord Curzon's concurrence, that in any negotiations which might take place with the Lithuanian Government in the matter of the commercial arrangement, His Majesty's Representative might be instructed to bear in mind the desirability of securing the wireless concessions in question to the Marconi Company.

I have, &c.,

H. FOUNTAIN.

The Under Secretary of State,
Foreign Office,
S.W.1.

DRAFT EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT AND THE
LITHUANIAN GOVERNMENT RESPECTING COMMERCIAL RELATIONS.

SIR,

IT being the desire of our respective Governments to establish close commercial relations between the United Kingdom and Lithuania, I have the honour to inform you that my Government is prepared to undertake on condition of reciprocity that British (Lithuanian) nationals, and goods, the produce or manufacture of the United Kingdom (Lithuania) shall enjoy in Lithuania (the United Kingdom) treatment which, subject to the special reservations referred to in paragraph 4 of this Note, shall be at least as favourable in all respects as that accorded to the nationals of, and goods the produce or manufacture of, the most-favoured foreign country. This treatment shall be accorded in all matters of commerce and navigation and as regards importation, exportation, and transit, and in general in all that concerns Customs duties and formalities and commercial operations, the establishment of British nationals in Lithuania (Lithuanian citizens in the United Kingdom), the exercise of commerce, industries and professions, and the payment of taxes.

2. British (Lithuanian) vessels shall enjoy in the ports, rivers, and territorial waters of Lithuania (the United Kingdom) treatment not less favourable than that accorded to Lithuanian (British) vessels or the vessels of the most-favoured foreign country, subject, however, to the right of the Lithuanian (His Britannic Majesty's) Government to reserve the coasting trade to Lithuanian (British) vessels.

* See No. 153 in Dominions No. 81.

3. The Lithuanian (His Britannic Majesty's) Government further undertake on condition of reciprocity to accord freedom of transit to persons, goods, vessels, carriages, wagons, and mails in transit to or from the United Kingdom (Lithuania) over Lithuanian territory (the United Kingdom) including territorial waters, and to treat them at least as favourably as Lithuanian (British) persons, goods, vessels, carriages, wagons, and mails respectively, or those of any other more favoured nationality, origin, importation or ownership as regards facilities, charges, restrictions and all other matters.

4. It is understood that nothing in this Agreement shall be held to confer any right or impose any obligation upon either party which might be in conflict with any general international convention to which the Lithuanian or His Britannic Majesty's Government is, or hereafter may be, a party.

5. Effect will be given immediately to the undertaking contained in this Note, and will continue to be so given until the conclusion of a definitive Treaty of Commerce and Navigation between the two countries, subject however to the right of either Party at any time to give notice to the other to terminate the arrangement, which shall then remain in force until the expiration of three months from the date on which such notice is given.

Enclosure 2 in No. 183.

SIR,

Foreign Office, S.W.1., 3rd February, 1922.

I AM directed by the Marquess Curzon of Kedleston to refer to your letter No. C.R.T. 6500/21, of the 23rd December last, transmitting a provisional draft of the notes which it is proposed to exchange with the Lithuanian Government for the purpose of concluding a commercial agreement between the United Kingdom and Lithuania.

2. His Lordship concurs in the remarks of the Board regarding the possible bearing of the Safeguarding of Industries Act on the proposed agreement, and the desirability of granting full most-favoured-nation treatment on both sides; and also in the proposal that the agreement should be terminable at not more than three months' notice.

3. No decision has yet been reached regarding the formula to be employed providing for the adherence to *permanent* treaties of the Dominions, Colonies, etc., and this matter remains to be discussed by an interdepartmental conference. Steps are, however, being taken to ascertain from the India Office and the Colonial Office whether it is considered desirable that the temporary arrangement in question should be restricted in its application to the United Kingdom only, or whether some provision should be made for extending its scope so as to include other parts of the Empire if they should so desire. To cover this contingency, it is suggested that the following additions should be made to the draft exchange of notes:—

Firstly, an additional paragraph, worded as follows, should be inserted between paragraphs 3 and 4 of the draft note:—

"The foregoing stipulations will not be applicable to India or to any of His Majesty's Dominions, Colonies, Possessions, or Protectorates beyond the seas, unless notice of accession to this arrangement shall have been given on behalf of India or any such Dominion, Colony, Possession, or Protectorate by His Britannic Majesty's Representative in the Baltic States before the expiration of _____ months from this date. Nevertheless, goods, the produce or manufacture of India or of any of His Britannic Majesty's Dominions, Colonies, Possessions, and Protectorates, will enjoy in Lithuania complete and unconditional most-favoured-nation treatment, so long as India or such Dominion, Colony, Possession or Protectorate accords to goods the produce or manufacture of Lithuania, treatment as favourable as that accorded to the produce of the soil or industry of any other foreign country."

Secondly, the following addition should be inserted at end of paragraph 5 of the draft note:—

"As regards India and the British Dominions, Colonies, Possessions, and Protectorates which may have acceded to this arrangement in virtue of the provisions of paragraph 4, either of our respective Governments shall have the right to terminate it separately on giving three months' notice to that effect."

It will be observed that the additional provisions proposed above are, to all intents and purposes, the same as those embodied in paragraph 4 and the last part of paragraph 5 of the Esthonian Agreement,* and it is suggested that the precedent established during the negotiations for the conclusion of that agreement, with regard to the notification of the accession of Dominions, etc., might with advantage be followed on this occasion.

4. His Lordship sees no reason at present to discontinue the use of the term "United Kingdom" in treaties and arrangements relating to Great Britain and North Ireland.

5. With regard to the Board's suggestion that the settlement of any outstanding claims of British subjects against the Lithuanian Government might be made the preliminary condition to the conclusion of any commercial agreement, I am to state that Mr. Tilden Smith, when recently discussing his claims in this department, made no complaint against his treatment by the Lithuanian Government, and it would appear reasonable to suppose that negotiations are proceeding smoothly between the two parties towards the attainment of a satisfactory settlement. While in full agreement with the general principle of the Board's suggestion, this department is unaware of any claims, other than that of Mr. Tilden Smith, which might be made the subject of negotiations. In these circumstances it is considered that there is not sufficient justification for instructing His Majesty's Minister in the sense proposed.

6. With regard to the Marconi contract, His Lordship feels unable to make any strong representations to the Lithuanian Government in view of the fact that the Company have already received the fullest possible measure of support, both here and in Lithuania, and in the opinion of His Majesty's Minister in the Baltic States the Marconi failures are largely due to the unsuitability of their representatives in those countries. This fact has been brought confidentially to the notice of the Marconi Company, who are understood to be taking steps to change their representative in Lithuania, and there would now appear to be reasonable prospects of an improvement in the Company's business relations with that country.

7. In connexion with the wording of the draft notes, I am to point out that the words "British nationals" are used in line 5 of the first paragraph, whereas the words "British subjects" appear in the last line but two of the same paragraph. It is considered preferable to employ the words "British nationals" in both instances, and it is proposed to amend the drafts accordingly.

8. I am to request that the Board of Trade will furnish their observations with regard to the amendments to the draft exchange of notes suggested in paragraph 3 of this letter.

I am, &c.,

J. D. GREGORY.

5427

No. 184.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 18th March, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 3rd February,† regarding a proposed commercial agreement with Lithuania.

2. Mr. Churchill thinks it desirable that provision should be made for the accession, if desired, of the Dominions and Colonies, and he would suggest that the most convenient course would be to adopt throughout the agreement the form of words employed in the commercial agreement with Esthonia (Treaty Series No. 19 of 1920), with the substitution of the words "British subjects" for "British nationals," and the alteration of the period of notice from 6 months to 3 months, as proposed by the Board of Trade.

3. Mr. Churchill has considered whether any special provision is desirable to meet the special circumstances of Ireland, but, in view of the fact that the agreement would be terminable at three months' notice, he is of opinion that in the present case no special provision is necessary. The arrangement can (if desired) be reviewed on the establishment of the Irish Free State.

4. A copy of this letter is being sent to the India Office and the Board of Trade.

I am, &c.,

C. T. DAVIS.

24619

No. 185.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL and GOVERNOR.

(Canada,
(Commonwealth of Australia,
(New Zealand,
(Union of South Africa,
(Newfoundland,

Dominions No. 167.)

[MY LORD], [SIR],

Downing Street, 29th May, 1922.

I HAVE the honour to transmit to [Your Excellency], [Your Royal Highness], [you], to be laid before your Ministers, copies of notes exchanged between the British Commissioner for Lithuania and the Lithuanian Minister for Foreign Affairs, on the 6th of May, embodying a commercial agreement between the United Kingdom and Lithuania.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 185.

SIR,

[British Legation, Riga], [Kovno], 6th May, 1922.

It being the desire of our respective Governments to establish close commercial relations between the United Kingdom and Lithuania, I have the honour to inform you that my Government is prepared to undertake, on condition of reciprocity, that [Lithuanian nationals] [British subjects], and goods, the produce or manufacture of [Lithuania] [the United Kingdom], shall enjoy in [the United Kingdom] [Lithuania] treatment which, subject to the special reservations referred to in paragraph 5 of this Note, shall be at least as favourable in all respects as that accorded to the nationals of, and goods, the produce or manufacture of, the most favoured foreign country. This treatment shall be accorded in all matters of commerce and navigation and as regards importation, exportation and transit, and in general in all that concerns customs duties and formalities and commercial operations, the establishment of [Lithuanian citizens in the United Kingdom], [British subjects in Lithuania], the exercise of commerce, industries and professions, and the payment of taxes.

2. [Lithuanian] [British] vessels shall enjoy in the ports, rivers, and territorial waters of the [United Kingdom] [Lithuania] treatment not less favourable than that accorded to [British] [Lithuanian] vessels or the vessels of the most favoured foreign country, subject, however, to the rights of [His Britannic Majesty's] [the Lithuanian] Government to reserve [the coasting trade to British vessels] [the coasting and internal trade to Lithuanian vessels].

3. [His Britannic Majesty's] [the Lithuanian] Government further undertake on condition of reciprocity to accord freedom of transit to persons, goods, vessels, carriages, wagons and mails in transit to or from [Lithuania] [the United Kingdom] over [the United Kingdom] [Lithuanian territory], including territorial waters, and to treat them at least as favourably as [British] [Lithuanian] persons, goods, vessels, carriages, wagons and mails respectively, or those of any other more favoured nationality, origin, importation or ownership as regards facilities, charges, restrictions and all other matters.

4. The foregoing stipulations will not be applicable to India or to any of His Britannic Majesty's Dominions, Colonies, Possessions or Protectorates beyond the Seas, unless notice of accession to this arrangement shall have been given on behalf of India or any such Dominion, Colony, Possession or Protectorate by His Britannic Majesty's representative in the Baltic States before the expiration of twelve months from this date. Nevertheless goods, the produce or manufacture of India or of any of His Britannic Majesty's Dominions, Colonies, Possessions and Protectorates, will enjoy in Lithuania complete and unconditional most-favoured-nation treatment, so long as India or such Dominion, Colony, Possession or Protectorate accords to goods, the produce or manufacture of Lithuania, treatment as favourable as that accorded to the produce of the soil or industry of any other foreign country.

81

5. It is understood that nothing in this agreement shall be held to confer any right or impose any obligation upon either party which might be in conflict with any general international convention to which the Lithuanian or His Britannic Majesty's Government is, or hereafter may be, a party.

6. Effect will be given immediately to the undertaking contained in this Note, and will continue to be so given until the conclusion of a definitive Treaty of Commerce and Navigation between the two countries, subject, however, to the right of either party at any time to give notice to the other to terminate the arrangement, which shall then remain in force until the expiration of three months from the date on which such notice is given.

7. As regards India and the British Dominions, Colonies, Possessions and Protectorates which may have acceded to this arrangement in virtue of the provisions of paragraph 4, either of our respective Governments shall have the right to terminate it separately on giving three months' notice to that effect.

I have, &c.,

[E. C. WILTON,

British Commissioner for Lithuania]

[V. JURGUTIS,

Minister for Foreign Affairs, Kovno.]

[His Excellency

The Minister for Foreign Affairs, Kovno.]

[The British Commissioner for Lithuania.]

MANDATES.

(1) Attitude of United States Government.

(a) "A" and "B" Mandates.

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No. 186.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada,
(Commonwealth of Australia,
(New Zealand,
(Union of South Africa,

Dominions Treaty No. 11. Confidential.)

[MY LORD], [SIR],

Downing Street, 28th March, 1922.

WITH reference to my Confidential despatch Dominions Treaty No. 30, of the 1st September, 1921,* I have the honour to transmit to [Your Excellency], [Your Royal Highness], for the information of your Ministers, a copy of a note addressed to the United States Ambassador concerning certain points at issue in connexion with Mandates.

2. I understand that communications in a similar sense have been made to the United States Government by the French and Belgian Governments.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 186.

THE MARQUESS CURZON OF KEDLESTON to MR. HARVEY.

(North America. Confidential.)

[W 13029/1149/98.]

YOUR EXCELLENCY,

Foreign Office, 22nd December, 1921.

THE memorandum of the 24th August, 1921,† containing the views of the Government of the United States concerning the Mandates for certain territories which, under the terms of the Treaties of Peace, ceased to be under the sovereignty of the enemy Powers, has received the fullest consideration of the British Government in concert with the Governments of the Allied Powers to whom those views were also communicated.

* No. 159 in Dominions No. 81.

† Enclosure in No. 159 in Dominions No. 81.

The Government of the United States claims the right to take part in the disposition of these territories and raises, in this connexion, various points in regard to the consequences of the non-ratification by the United States of the Treaty of Versailles and of their non-participation in the war with Turkey.

In furtherance of the general principles governing the Mandates, as set out in the previous correspondence between the two Governments, the Government of the United States now submits for the consideration of His Majesty's Government certain modifications which it considers should be made in the texts of the British Mandates.

His Majesty's Government have the honour to state that they have never desired to deprive the United States of the fruits of a victory to which it contributed so generously.

They are quite willing to meet the wishes of the United States as regards the British Mandates, and it does not, therefore, seem necessary to enter into a detailed consideration of the general considerations contained in the American Note.

The co-operation of the United States in the making of peace was a necessary corollary of their co-operation in the War and in the victory. The Treaty of Versailles was the outcome of the co-operation. It was entered into by the Allied Powers upon the assumption that it represented the common views of all those who had taken part in its preparation after their combined effort to achieve the victory. It was upon the faith of this assumption that the Allied Powers undertook obligations, not only towards Germany, but also towards each other, and from which it is now impossible for them to escape.

The decision of one of the Allied and Associated Powers not to ratify the treaty does not modify the obligations which that treaty imposed upon those who have ratified it, nor release them from the pledges it contains; nor can they now enter into new engagements which would be inconsistent with its terms.

What is said above is pre-eminently true with regard to the overseas territories which formerly belonged to Germany. By the Treaty of Versailles, Germany renounced all her sovereignty over them; that renunciation was intended, as pointed out in the American note, to be indivisible; no part of that sovereignty remains to Germany to-day. But Germany parted with her sovereignty upon the terms laid down in the treaty. Among the conditions so laid down was the assurance that these territories would in future be administered by Mandatories on behalf of, and subject to, the general control of the League of Nations. By that engagement the Allied Powers are bound to stand; they are pledged not only to Germany, but to their own peoples to recognize and to accept the special rôle and function of the League of Nations in connexion with the Mandates over these territories; they can consent to no arrangement with any Power which is inconsistent with the pledges they have given.

In these circumstances His Majesty's Government put forward the following suggestions as calculated to meet the American proposals concerning the British Mandates in Central Africa. As regards the Mandates for territories in the Middle East, the position of such territories being still legally undefined, His Majesty's Government will make them the subject of a later note:—

1. The Government of the United States proposes that the words "citizens of States mentioned in the annex to the Covenant of the League of Nations" should be substituted for the words "nationals of States members of the League of Nations" in article 6 of the Mandates for Togoland and the Cameroons, and in article 7 of the British Mandate for East Africa, in order that citizens of the United States may be covered by the provision.

In the first place this alteration would exclude from the provision States which, though not mentioned in the annex to the Covenant, have become members of the League since the date of the Treaty of Peace.

Secondly, it must be remembered that the aim of the Mandatory system is to make the Mandatory Power permanently responsible for the fulfilment of certain duties to those States which have adhered to the Covenant of the League of Nations. His Majesty's Government find it difficult, therefore, to accept a proposal that the terms of the Mandate should refer to any other States, whether by name or by collective definition.

It appears to His Majesty's Government that the best way to meet the wish expressed in the American note would be for the British Government to give to the Government of the United States a guarantee that citizens of the United States shall enjoy in all respects in the mandated territory the same rights and privileges as

citizens of States members of the League of Nations, it being understood that they will be subject to the same conditions. This undertaking might be embodied in an exchange of notes.

The Government of the United States further expresses the wish that paragraph 3 of the same article shall stipulate that the Mandatory will not grant monopolistic concessions, and that the natural resources of the mandated territory shall not be monopolised by the Mandatory itself.

His Majesty's Government have no intention of granting concessions having the character of a general monopoly in the territories in question, nor of reserving such concessions to itself. It is necessary, however, in the interest of the mandated territory, that the mandatory should provide the territory with the fiscal resources which seem best suited to the local requirements and, for this purpose, should preserve the right to create monopolies for purely fiscal purposes. Similarly, it is necessary that the Administration should have the right to exploit, as it considers best, those of the natural resources which can be employed in the public interest, as, for example, water power, which could be utilized for the electrification of a railway or for lighting purposes.

The above considerations could be met by the insertion of the following new paragraph after paragraph 3 of article 6:—

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a fiscal character or, in certain cases, to carry out the development of natural resources either directly by the State or by a controlled agency, provided that no monopoly of the natural resources for the benefit of the Mandatory shall result therefrom.

2. The Government of the United States asks that article 8 of the British Mandate for Tanganyika should be substituted for article 7 of the other African Mandates.

The object of the Administration at Washington is apparently to ensure as a right to American missionaries the freedom to exercise their vocation in Togoland and the Cameroons, which the British Government have given them hitherto in practice. This object can be achieved without making any change in the text of the Mandate. His Majesty's Government are prepared to give to the Government of the United States a similar guarantee as to equality of treatment, as is suggested above, as regards article 6.

His Majesty's Government are further prepared to declare that, in the mandated territories, missionaries shall have the right to acquire and possess property, to erect buildings for religious purposes, and to open schools, adding as a condition the words "in conformity with the local law."

The text of article 7 would, consequently, read as follows:—

"Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel and reside in the territory, for the purpose of prosecuting their calling, to acquire and possess property, to erect buildings for religious purposes, and to open schools, provided that they conform to the local law."

3. The Government of the United States asks for the addition to paragraph 2 of article 9 of the Mandate for Togoland and the Cameroons, of the words "provided always that the measures adopted to that end do not infringe the provisions of this Mandate," which occur in article 10 of the British Mandate for Tanganyika.

His Majesty's Government have no objection to this addition.

4. Finally, the Government of the United States expresses the wish that the consent of the United States shall be obtained before any alteration is made in the text of the mandates.

It would be difficult to insert in the mandate itself a provision of this nature as between the League of Nations and a Power which is not a member of the League. There is, however, nothing to prevent the Mandatory giving a separate undertaking to this effect.

In these circumstances the best method of satisfying the desire of the United States would appear to be that His Majesty's Government, as Mandatory, should give the American Government an undertaking that they will not propose nor accept any modifications in the terms of the mandates without previous consultation with the Government of the United States.

His Majesty's Government venture to hope that the Government of the United States will share the view that the wishes of the United States can be satisfied by means of an exchange of notes between the two Governments, without delaying the issue of mandates which it is undesirable further to postpone.

I have, &c.,

CURZON OF KEDLESTON.

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No. 187.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.

Dominions Treaty No. 13. Confidential.)

[MY LORD,] [SIR,].

Downing Street, 22nd April, 1922.

WITH reference to my Confidential despatch Dominions Treaty No. 11 of the 28th March,* I have the honour to transmit to [Your Excellency.] [Your Royal Highness,] for the information of your Ministers, copies of a Note from the United States Ambassador on the subject of "B" Mandates and of the correspondence regarding the Mandate for Palestine mentioned therein.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 187.

(No. 153.)

MY LORD,

London, 5th April, 1922.

IN Your Lordship's communication of 22nd December, 1921,† Your Lordship has stated the views of His Majesty's Government with respect to the British Mandates for East Africa, Togoland and the Cameroons. The question of the Mandate for Palestine has been discussed in Your Lordship's Note of 29th December, 1921, and in my Note No. 151 of 5th April, 1922.‡

As I stated in that Note, referring to my Memorandum of 24th August, 1921,§ the position of my Government must necessarily remain unchanged, since the views advanced were confined to the purpose of safeguarding the interests of the United States and the fair and equal opportunities which it was believed the United States should enjoy in common with the other Powers.

Your Lordship sets forth that it has never been the intention of His Majesty's Government to deprive the United States of any of the rights and privileges to which it is entitled as a result of the common victory over Germany. My Government had entertained no doubt that this was the attitude of Great Britain and welcomes the cordial assurance that His Majesty's Government is quite willing to meet the wishes of the United States.

In view of this understanding, my Government is convinced that there will be no difficulty or delay in the negotiation of a Treaty embodying the assent, upon appropriate conditions, of the United States to the terms of the draft British Mandates for East Africa and the British parts of Togoland and the Cameroons. As I have explained in my Memorandum of 24th August, 1921,§ the right of the United States in the territories to which Germany has renounced her title could not be disposed of without the assent of my Government and, for the reasons given in my Memorandum, the appropriate manner of expressing this assent would be through a Treaty. Such a Treaty could recite the articles of the Mandates, setting forth the engagements of the Mandatory, and should contain appropriate undertakings on the part of His Majesty's Government for the suitable protection of the rights and interests of the United States. This arrangement will, it is believed, obviate any objections such as those suggested by His Majesty's Government by reason of any obligations which the Allied Powers have assumed in the Treaty of Versailles, with regard to Germany and with regard to one another.

In this view, taking up the various points to which Your Lordship refers, it may be observed:—

* No. 186. † Enclosure in No. 186. ‡ Enclosures 2 and 3 in 187. § Enclosure 1 in No. 159 in Dominions No. 81.

(1) *Discrimination.*

In my Memorandum of 24th August, 1921,* I alluded to the provisions for equal commercial opportunity in Article 7 of the Mandate for East Africa and Article 6 of the British Mandates for Togoland and the Cameroons, and called attention to the fact that these provisions were not extended to the nationals of the United States. My Government does not desire to insist that the terms of the Mandates themselves, in their reference to the States, members of the League of Nations, and their nationals, should be altered. It will be sufficient to recite the terms of the above-mentioned Articles in the proposed Treaty, with the further undertaking that His Majesty's Government will guarantee to the United States and its nationals the same freedom from discrimination that the above-mentioned Articles of the Mandates give to the States, members of the League of Nations, and their nationals.

The Treaty should contain a general provision that the United States and its nationals should have and enjoy the benefit of all the engagements of His Britannic Majesty, defined in the Mandates, notwithstanding the fact that the United States is not a member of the League of Nations.

With respect to the matter of monopolistic concessions, my Government is gratified to note that His Majesty's Government has no intention of granting concessions having the character of a general monopoly in the territories in question, or of reserving such concession to itself. My Government has carefully noted the considerations advanced in Your Lordship's note regarding the advisability, however, of reserving to the Mandatory the right:

(1) To create monopolies for purely fiscal purposes, in the interest of the mandated territories, in order that the Mandatory should provide the territories with the fiscal resources which seem best suited to local requirements, and

(2) To develop such natural resources as can be employed in the public interest, as, for example, water power, which could be utilised for the electrification of a railway or for lighting purposes.

In view of these considerations my Government is prepared to approve the insertion in the Mandates, after the third paragraph of Article 7 of the British Mandate for East Africa and Article 6 of the Mandates for Togoland and the Cameroons, of the following paragraph, with a few changes for the purpose of clarity, so that it will read as follows:

"Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under Mandate, and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the State or by a controlled Agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or its nationals, directly or indirectly, or any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed."

The changes above suggested are assumed, from the tenor of Your Lordship's Note, to be in accord with the intentions entertained by His Majesty's Government.

It is to be understood, of course, that the existing legal rights of American citizens or companies in British mandate territories are fully respected and safeguarded and that the Treaty will contain a suitable provision to this effect.

(2) *Missionaries and Religious Freedom.*

My Government is pleased to note that the intent of the Government of the United States, in its suggestions on this subject, expressly to assure American missionaries the right freely to exercise their vocation in Togoland and in the Cameroons, is recognized, and that His Majesty's Government is disposed to give to the Government of the United States a similar guarantee, as to equality of treatment, as is suggested with respect to Article 6 of the Mandates for Togoland and the Cameroons, and further that His Majesty's Government is prepared to provide that in the mandated territories missionaries shall have the right to acquire and possess property, to erect buildings for religious purposes and to open schools. Accordingly, His Majesty's Government has proposed that the text of Article 7 of the Mandates for Togoland and the Cameroons should read as follows:

"Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall insure in the territory freedom of conscience

* Enclosure 1 in No. 159 in Dominions No. 81.

and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State, member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling, to acquire and possess property, to erect buildings for religious purposes, and to open schools, provided that they conform to the local law."

Upon the assumption that the Treaty will contain an appropriate provision by which the engagements of His Britannic Majesty, as defined in the Mandate, will run to the United States and its nationals, notwithstanding the fact that the United States is not a member of the League of Nations, this provision is acceptable to my Government with the following qualification: My Government suggests that the last clause of the proposed provision, "provided that they conform to the local law," may be omitted, as it appears to be superfluous, the entire clause being qualified by the opening clause, "subject to the provisions of any local law for the maintenance of public order and public morals." If it is intended, by the insertion of the additional clause, to give any broader application of the local law than is the purport of the opening clause, the addition would appear to be objectionable, as the local law in this respect should appropriately be limited to the maintenance of public order and public morals.

(3) *Administrative Unions, etc.*

It is noted that His Majesty's Government has no objection to the suggestion which has been made by my Government that there should be added to Article 9 of the Mandates for Togoland and the Cameroons, the following words, corresponding to the provision of Article 10 of the British Mandate for East Africa, to wit: "Provided always that the measures adopted to that end do not infringe the provisions of this Mandate."

(4) *Modification of Mandates.*

My Government has observed the statement of Your Lordship in your Note of 22nd December,* that it would be difficult to insert in the Mandate itself a provision that the consent of the United States should be obtained before any alteration is made in the text of the Mandates. My Government does not believe such an insertion to be necessary, in view of the fact, to which Your Lordship adverts, that there is nothing to prevent the Mandatory giving a separate undertaking to this effect. Such an undertaking may be embodied in the proposed Treaty. It would not, however, be deemed by my Government to be sufficient to provide merely for consultation with the United States.

(5) *Extradition.*

It is assumed that His Majesty's Government will not object to a provision by which the extradition treaties between Great Britain and the United States, pending the making of special extradition agreements, shall apply to the mandated territories in question.

(6) The Japanese Government has agreed to furnish a duplicate, not a copy, of its Annual Report, which is to be submitted to the League of Nations on the administration of Mandate Territories. A provision to this effect is incorporated in the Treaty between the United States and Japan relating to the mandated islands in the Pacific north of the Equator, and it is desired that a similar provision should be included in the Treaty relating to the British Mandates for East Africa, Togoland and the Cameroons.

It may be added that the references in this communication, as in my Memorandum of 24th August, 1921,† are to the texts of the draft Mandates for British East Africa and the British parts of Togoland and the Cameroons, in the forms in which these drafts were published by His Majesty's Government. If His Majesty's Government is willing to meet the wishes of the United States with reference to the matters upon which concurrence has not already been indicated, the Government of the United States is prepared to enter immediately upon the negotiation of the necessary Treaty.

I have, &c.,

GEORGE HARVEY.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.,
Foreign Office.

* Enclosure in No. 186.

† Enclosure 1 in No. 159 in Dominions No. 81.

Enclosure 2 in No. 187.

(North America.)

(Confidential.)

(E 14259/37/88.)

THE MARQUESS CURZON OF KEDLESTON TO MR. HARVEY.

YOUR EXCELLENCY,

Foreign Office, 29th December, 1921.

IN my note of the 22nd December* I explained the suggestions put forward by His Majesty's Government to meet the American proposals, concerning the British Mandates in Africa, contained in Your Excellency's memorandum of the 24th August, 1921,† and reserved for the subject of a later note a reply to the proposals in that memorandum relating to the territories under Mandate in the Middle East, their position still being legally undefined.

2. The position with regard to these territories has not materially changed. A state of peace with Turkey does not yet exist, and the Council of the League has not yet formally approved the provisions of the draft Mandates. The consequent delay and uncertainty causes His Majesty's Government considerable anxiety in Palestine. In these circumstances the peculiar religious and racial problems in that country and the particular conditions which attach to His Majesty's Government's acceptance of the Mandate as set out in the draft provisions are daily rendering more onerous the task which His Majesty's Government have assumed. For these reasons His Majesty's Government intend to invite the Council of the League of Nations, at the forthcoming session on the 10th January, formally to express their approval of the terms of the Mandate for Palestine as drafted in spite of the dependence of the final legalization of the status of the Mandatory upon the entry into force of a treaty of peace with Turkey. It is with this object in view, and in the confident hope that your Government will find it possible forthwith to withdraw any objection that they may still entertain to the provisions of the Mandate for Palestine, that I now have the honour to furnish you with the following observations upon paragraphs 4 and 5 of your note of the 24th August† in so far as they concern those provisions:—

3.—Paragraph 4. His Majesty's Government have no desire to challenge the statement of the United States Government that the victory over Turkey was bound up with the victory of the Allied and Associated Powers over Germany to which the United States so generously contributed. In particular, His Majesty's Government emphatically disclaim any intention on their part to discriminate against United States nationals and companies or refuse them full equality of commercial opportunity. His Majesty's Government have already explained, in the case of the African mandates, why they find it difficult to provide in the articles of the Mandates, which deal with these questions, for reference to any States, other than those of the League of Nations, whether by name or by collective definition, but they repeat the assurance given in my note of the 22nd December* to embody an undertaking with regard to the equal treatment of United States citizens and companies in an exchange of notes between our two Governments.

Paragraph 5.—(a). The difference in this respect between the Mandate for Palestine on the one hand, and the Mandate for Syria on the other, is due not to any difference of policy, but to the fact that whereas in Syria, which was taken over at the time of the Armistice, the native administration was found to be exercising its functions, the complete collapse of the Turkish administration in Palestine had compelled His Majesty's Government to set up courts, which in themselves provided for the time being such safeguards as are referred to in article 9 of the Palestine Mandate. No foreign tribunals exercise functions in Palestine at present, and there is therefore no question of their continuing to perform their duties. In that country adequate courts have already been established, and, under the constitutional proposals that are now under consideration for Palestine, His Majesty's Government have inserted a provision, in virtue of which foreign nationals, including of course citizens of the United States, shall have the right to be tried by a court with a majority of British judges, except in trivial cases, where this provision would lead to administrative inconvenience. In these cases foreign nationals will have the special right to appeal to a court composed with a majority of British judges. For the rest, His Majesty's Government are prepared to recommend to the League of Nations the extension of the provisions of article 28 of the Mandate for Palestine so as to ensure that, in the event of the termination of the mandatory régime, suitable arrangements are made to safeguard the rights secured by article 6 of the Mandate.

* Enclosure in No. 186.

† Enclosure 1 in No. 159 in Dominions No. 81.

(b) I have already dealt above with the question of possible discrimination against United States nationals and the undertakings which His Majesty's Government are prepared to give. The wording of article 18 of the Mandate for Palestine was very carefully considered, and I wish especially to point out that the explanation of the difference between the wording of the Syrian Mandate and that of the Palestine Mandate is to be found in the difference between French and British law; in the latter, the word "company" embraces all bodies which would properly be entitled to the protection of the article in question. His Majesty's Government feel sure that the United States Government, in the light of this explanation, will rest satisfied with the present wording of this article.

His Majesty's Government regret that they cannot see their way to adopt the suggested introduction into the Palestine Mandate of the provision of article 7 of the "B" Mandate for East Africa on the subject of concessions quoted in your memorandum of the 21st August.* The suggestion appears to His Majesty's Government to overlook the peculiar conditions existing in Palestine, and especially the great difference in the natures of the tasks assumed in that country and undertaken by them in East Africa. So far as Palestine is concerned, article 2 of the Mandate expressly provides that the Administration may arrange with the Jewish agency, mentioned in article 4, to develop any of the natural resources of the country in so far as these matters are not directly undertaken by the Administration. The reason for this is that, in order that the policy of establishing in Palestine a national home for the Jewish people should be successfully carried out, it is impracticable to guarantee that equal facilities for developing the natural resources of the country should be granted to persons or bodies who may be actuated by other motives. The general spirit of the Palestine Mandate, in the view of His Majesty's Government, seems to render unnecessary the insertion of an especial provision preventing the Mandatory from developing the natural resources of the country for his own benefit.

(c) His Majesty's Government are well aware of the great benefits which all the countries of the Near and Middle East have received from the unremitting and self-sacrificing efforts of American missionaries and educationalists. They have therefore carefully considered the proposal of the United States Government that safeguards for missionary enterprises in the Palestine Mandate should be expanded to render them equivalent to those accorded by article 8 of the British "B" Mandate for German East Africa. His Majesty's Government would, however, point out that the intention of article 9 of the Franco-British Convention of the 23rd December, 1920, was, so far as His Majesty's Government was concerned, in no way to restrict the extension of missionary enterprise in Palestine. The particular article in question was designed by the French Government to satisfy religious opinion in France regarding the future of the large French ecclesiastical and educational interests already established in Palestine and Mesopotamia.

For the rest, His Majesty's Government feel convinced that the religious and educational activities of the nationals of the United States are adequately safeguarded by the provisions of article 16 of the Mandate for Palestine. This article is, in fact, identical in substance with article 8 of the British Mandate for German East Africa. Should, however, the United States Government still desire some further guarantee, His Majesty's Government would be prepared to make a declaration in suitable terms regarding the rights of United States missionaries, as suggested in paragraph 2 of my note of the 22nd December† regarding the African Mandates.

(d) I have already dealt in paragraph 4 of my note of the 22nd December† with the suggestion of your Government that the consent of the United States Government should be obtained as to any modification of a Mandate once agreed upon, and I can only repeat in this note the same offer with regard to the modification of the "A" Mandates.

4. I reserve to myself a still further memorandum to Your Excellency regarding the Mandate for Mesopotamia. The position of His Majesty's Government in that country is peculiar. The course of events since the grant of the Mandate, and in particular the coronation of King Feisal and the appointment of the Arab Cabinet for that country, makes it necessary for His Majesty's Government carefully to consider the manner in which they can best fulfil the obligations undertaken by them in the draft Mandate. They are therefore forced to examine very carefully what,

* Enclosure 1 in No. 159 in Dominions No. 81.

† Enclosure in No. 186.

if any, modification of, or addition to, those obligations they are in a position to assume. I hope, however, to be in a position at an early date to give you the fullest assurance on this matter.

I have, &c.,

CURZON OF KEDLESTON.

Enclosure 3 in No. 187.

(No. 151.)

MY LORD,

London, 5th April, 1922.

I HAVE the honour to refer to Your Lordship's communications of 22nd December, 1921,* and 29th December, 1921,† on the subject of Mandates. The suggestions of the Government of the United States regarding the terms of the various Mandates were set forth in my memorandum of 24th August, 1921.‡ The position of my Government must necessarily remain as thus stated since the views advanced were confined to the purpose of safeguarding the interests of the United States and the fair and equal opportunities which it was believed the United States should enjoy in common with the other Powers.

In the communication of 29th December, 1921, Your Lordship drew particular attention to the situation in Palestine. A state of peace between the Allied Powers and Turkey does not yet exist. Nevertheless, the United States appreciates the desire of His Majesty's Government to remove the existing uncertainties regarding the terms of the Mandate for Palestine in order that a legalised civil administration may be established as early as possible. The Government of the United States is gratified to note Your Lordship's cordial expression with respect to the relation of the victory over Turkey to the victory of the Allied and Associated Powers over Germany and the contribution thereto by the United States and especially the emphatic disclaimer of His Majesty's Government of any intention on their part to discriminate against the United States or to refuse to its nationals and companies full equality of commercial opportunity. My Government had entertained no doubt that this was the attitude of His Majesty's Government.

In view of these assurances, my Government is convinced that there will be no difficulty or delay in the negotiation of a Treaty embodying the assent, upon appropriate conditions of the United States to the terms of the draft Mandate for Palestine. The capitulatory rights which the United States possesses in Turkey in common with other Powers rest upon the provisions of a Treaty; and consequently these rights can be modified or abrogated only by a treaty. For this reason alone a treaty would be desirable, apart from the general considerations mentioned in my memorandum of 24th August.‡ Such a Treaty could recite the Mandate in full and should contain appropriate undertakings on the part of His Majesty's Government for the suitable protection of the rights and interests of the United States. In this view, taking up the various points to which Your Lordship refers, it may be observed:

(1) Capitulatory Rights.

The assurances given in the Note of 29th December† regarding the establishment of adequate courts and the insertion of a provision in the proposed Constitution of Palestine by virtue of which nationals of the United States shall have the right to be tried by a court with a majority of British judges, except in trivial cases where this provision would lead to administrative inconvenience, when United States nationals will have the special right to appeal to a court composed of a majority of British judges, may be considered satisfactory in view of Anglo-Saxon traditions of Law.

It does not seem possible to accept, however, the suggestion which Your Lordship made with regard to the question of the revival of the American capitulatory rights in the event of the termination of the Mandate régime. As my Government now possesses these capitulatory rights, it should be provided that, in the event of the termination of the British Administration under the Mandate, there should be an immediate and complete revival of these rights. If the circumstances then justify their modification or suspension, the matter could readily be made the subject of suitable agreement.

* Enclosure in No. 186. † Enclosure 2 in No. 187. ‡ Enclosure 1 in No. 159 in Dominions No. 81.

(2) *Discrimination.*

I have already alluded to the assurance upon this point contained in Your Lordship's note. My Government do not desire to insist that the terms of the Mandate itself, in its reference to the States, members of the League of Nations, and their nationals, should be altered. It will be sufficient to have an undertaking, as suggested by Your Lordship, with regard to the equal treatment of the United States, its nationals and companies and this undertaking may be set out in the proposed Treaty. In other words, it should be provided that His Britannic Majesty will guarantee to the United States and its nationals the same freedom from discrimination that Article Eighteen of the Mandate gives to the States, members of the League of Nations, and their nationals.

The Treaty should contain a general provision that the United States and its nationals should have and enjoy the benefit of all the engagements of His Britannic Majesty defined in the Mandate, notwithstanding the fact that the United States is not a member of the League of Nations.

With respect to the matter of concessions, my Government has carefully noted the suggestions made by Your Lordship with respect to the peculiar conditions existing in Palestine, and, in view of these conditions, it is not the intention of my Government to insist on the inclusion of a provision in this Mandate against the granting of monopolistic concessions, as it is recognized that these may be justified to a certain extent for appropriate local development. The Government of the United States will be satisfied with the assurances which His Majesty's Government proposes to give in regard to equality of commercial opportunity. It should be clearly understood, however, that this position is taken by my Government solely in recognition of the special situation in Palestine, and is not to be considered as prejudicial in any respect to the contentions which have been made, and which are still being made, in connexion with other Mandate territories. It is also to be understood, of course, that the existing legal rights of American citizens or companies in Palestine are to be fully respected and safeguarded and that the Treaty will contain a suitable provision to this effect.

(3) *Missionaries and Religious Freedom.*

My Government has noted the provision of Article Two of the proposed Mandate for Palestine to the effect that the Mandatory shall be responsible "for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion."

And also the provisions of Article Fifteen, as follows:

"The Mandatory will see that complete freedom of conscience and the free exercise of all forms of worship subject only to the maintenance of public order and morals, is ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief."

And also the following provision of Article Sixteen:

"The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies, or to discriminate against any representative or member of them on the ground of his religion or nationality."

Also that the Mandatory accepts "all responsibility in connexion with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights, or securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while insuring the requirements of public order and decorum."

In addition, my Government has noted the statement of Your Lordship that His Majesty's Government would be prepared to make a declaration in suitable terms regarding the rights of United States missionaries, that is, that they "shall have the right to acquire and possess property to erect buildings for religious purposes and to open schools, providing that they conform to the local law."

My Government is satisfied with these stipulations and assurances on the assumption, as already stated, that there will be a general provision in the proposed Treaty giving to the United States the benefits, rights and privileges which, under the proposed Mandate, are to accrue to the States which are members of the League of Nations.

(4) *Modification of Mandate.*

My Government has observed the statement of Your Lordship in your Note of 22nd December,* to which you refer in your Note of 29th December,† that it would be difficult to insert in the Mandate itself a provision that the consent of the United States should be obtained before any alteration is made in the text of the Mandate. My Government does not believe such an insertion to be necessary, in view of the fact, to which Your Lordship adverts, that there is "nothing to prevent the Mandatory giving a separate undertaking to this effect." Such an undertaking may be embodied in the proposed Treaty. It would not, however, be deemed by my Government to be sufficient to provide merely for consultation with the United States.

(5) As His Majesty's Government is aware, the Japanese Government has agreed to furnish a duplicate, not a copy, of its annual report, which is to be submitted to the League of Nations on the administration of Mandate territories. A provision to this effect is incorporated in the Treaty between the United States and Japan relating to the mandated islands in the Pacific north of the Equator, and it is desired that a similar provision should be included in the Treaty relating to the Mandate for Palestine.

(6) My Government assumes that any provisions which may be agreed upon as necessary to safeguard the rights and interests of the United States will apply to the territories mentioned in Article 25 of the Mandate.

If His Majesty's Government is willing to meet the wishes of the United States with reference to the matters upon which concurrence has not already been indicated, the Government of the United States is prepared to enter immediately upon the negotiation of the necessary Treaty.

In conclusion, I beg to convey additional information regarding the Philippine Petroleum Act, which was referred to in Your Lordship's Note of 28th February, 1921, and in my Memorandum of 24th August, 1921.‡ The Governor-General of the Philippines has reported that the Act was amended at the last session of the Philippine Legislature so that it now permits equality of treatment in accordance with the principle of reciprocity embodied in the United States General Leasing Law.

I have, &c.,

GEORGE HARVEY.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.,
Foreign Office, S.W.1.

21285

No. 188.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.)

Dominions Treaty No. 19. Confidential.)

[MY LORD.] [SIR.]

Downing Street, 18th May, 1922.

WITH reference to my Confidential despatch Dominions Treaty No. 13 of the 22nd of April,§ I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] for the information of your Ministers, copies of a Note|| from the United States Ambassador, on the subject of "B" Mandates, and of a Note to the United States Ambassador respecting the Mandate for Palestine.

2. On the 6th of April, the United States Ambassador in Paris handed to the French Minister for Foreign Affairs a Note similar to the United States Ambassador's Note No. 153 of the 5th of April, on the subject of "B" Mandates, of which a copy was enclosed in my despatch under reference.

I have, &c.,

WINSTON S. CHURCHILL.

* Enclosure 1. † Enclosure 2. ‡ Enclosure 1 in No. 159 in Dominions No. 81. § No. 187.

|| Not printed: it referred to certain verbal alterations in Mr. Harvey's note No. 153 of 5th April.

Enclosure in No. 188.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 29th April, 1922.

His Majesty's Government have had under careful consideration the Note* (No. 151) which you were good enough to address to me on 5th April, respecting the mandate for Palestine, and I desire to express their appreciation of the very friendly manner in which the Government of the United States has dealt with this question.

2. The proposals now made by the Government of the United States are acceptable to His Majesty's Government, who will be prepared to enter without delay into negotiations for the conclusion of a Treaty on the lines proposed.

3. I gather from Your Excellency's Note that the Government of the United States do not now desire to suggest any alterations in the text of the draft Mandate, with the possible exception of Article 8, dealing with the capitulations. His Majesty's Government agree that, in so far as the United States are concerned, the capitulations should only be suspended during the period of the British Mandate, it being left to the United States on the termination of the mandate to deal with the matter by negotiation with the authorities concerned. His Majesty's Government are at present disposed to consider that the most convenient means of providing for this would be to leave the text of Article 8 unaltered, but to provide in the Treaty that the United States do not accept the definite abrogation of their capitulatory rights, but consent to their suspension during the continuance of the Mandate. I should, however, be glad to know the views of the Government of the United States on this point.

4. I desire to inform you that a suggestion has been made that Article 28 should be modified so as to ensure that on the termination of the mandate, adequate provision should be made to safeguard the interests in judicial matters of foreigners whose capitulatory rights are abrogated by Article 8 as at present drafted. If this suggestion were adopted, the Article would read as follows:—

"In the event of the termination of the Mandate conferred upon the Mandatory by this Declaration, the Council of the League of Nations shall make such arrangements as may be deemed necessary, for protecting the interests of foreigners in judicial matters, and also for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and for securing under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the Mandate, including the rights of public servants to pensions or gratuities."

This alteration would not, if the course suggested in paragraph 3 is adopted, affect in any way the interests of the United States, who would be free to make their own arrangements on the termination of the Mandate, and the consequent revival of their capitulatory rights, but I should be glad to learn that Your Excellency's Government would raise no objection to this amendment.

5. Inasmuch as the terms of the Palestine Mandate are to be recited in the Treaty, it is necessary that those terms should be definitely settled before the Treaty can be negotiated and signed. His Majesty's Government are, therefore, extremely anxious to obtain the approval of the Council of the League of Nations to the terms of the Mandate at their meeting on May 11th, even if the Mandate cannot be actually issued at present, and for this purpose they desire, with the consent of the United States Government, to lay the correspondence between Your Excellency and myself before the Council of the League, as showing that agreement between the two Governments has now been reached. I have, therefore, the honour to request the assent of the Government of the United States to this course being adopted, in which case the negotiations for the Treaty will be entered into as soon as the terms of the Mandate have been approved by the Council of the League.

6. Your Excellency will observe that the period before the meeting of the Council is short, and I should, therefore, be grateful if the views of Your Excellency's Government on the proposals made in this note, could be communicated to me at the earliest possible date.

I have, &c.,

His Excellency

The Hon. George Harvey,

&c., &c., &c.

* Enclosure 3 in No. 187.

35147

No. 189.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

Dominions Treaty No. 36. Confidential.)

[MY LORD.] [SIR,]

Downing Street, 16th August, 1922.

WITH reference to my Confidential despatch Dominions Treaty No. 19 of the 18th of May,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, the accompanying copies of correspondence, as noted in the schedule attached, on the subject of "B" Mandates

I have, &c.,

WINSTON S. CHURCHILL.

SCHEDULE.

From Belgian Ambassador, 10th May.†

To Belgian Ambassador, 7th June.‡

From Sir C. Hurst, 9th June.‡

To His Majesty's Ambassador, Washington, 15th June.

Memorandum, 8th July.§

Draft Treaty.

Telegram from His Majesty's Chargé d'Affaires, Washington (No. 290), 8th July.

Telegram from His Majesty's Chargé d'Affaires, Washington (No. 291), 8th July.

Telegram to His Majesty's Chargé d'Affaires, Washington, 17th July.

Enclosure 4 in No. 189.

(No. 961.)

(W.4813/1110/98.)

SIR,

Foreign Office, S.W.1, 15th June, 1922.

YOUR Excellency is aware of the negotiations that have been proceeding between France, this country and the United States in regard to "B" Mandates, viz., mandates for certain ex-German territory in Africa. In this connexion I transmit herewith copies of a despatch addressed to His Majesty's Ambassador at Paris and of a despatch from Sir Cecil Hurst, with printed copies of the enclosures accompanying the latter.

2. The form of treaty with the United States, which forms the fourth enclosure, has been drawn up on the model of the Japanese-American Treaty of 11th February, 1922, in regard to Yap, and every effort has been made therein to meet the wishes of the United States Government. One or two of the Articles call for a few words of comment. Article 1 is similar to Article 1 of the Yap Treaty, but the word "concurs" has been preferred as more accurate to the word "consents." The latter conveys the incorrect impression that the mandate could not issue without the participation of the United States. Articles 3, 4 and 5 are reproductions of Articles 2 (2), 2 (4), 2 (5) of the Yap Treaty respectively. Article 6, in regard to Extradition, has been inserted in accordance with the paragraph numbered 5 in Mr. Harvey's note No. 153 of 5th April, 1922.||

3. I request that Your Excellency will take the necessary steps to negotiate at once with the United States Government treaties in the above-mentioned form covering each of the British Mandates. It is most desirable to reach an early and final settlement of these mandates, and His Majesty's Government hope to secure their formal adoption by the Council of the League at its next session on 15th July. It would be of great assistance if the concurrence of the United States Government in the terms of the Mandates could be obtained before the meeting of the Council.

4. The French Government are instructing your French colleague to approach the United States Government in a similar manner in regard to French "B" Mandates. It would be advisable therefore for Your Excellency to keep in touch

* No. 188. † Enclosure in 23830; not printed; this related to the negotiations the outcome of which is stated in Enclosure 4. ‡ Enclosure in 31143; not printed here. (See †.) § Enclosure in 35147; not printed. (See †.) || Enclosure 1 in No. 187.

with Monsieur Jusseraud and to act in concert with him. If, however, this despatch reaches you before your French colleague has received his instructions you should not on that account delay approaching the United States Government.

5. I enclose for Your Excellency's information a copy of a despatch which is being addressed to His Majesty's Ambassador at Brussels.

I am, &c.,
G. H. VILLIERS.

His Excellency
The Right Honourable
Sir Auckland C. Geddes, K.C.B.,
&c., &c., &c.

Enclosure 6 in No. 189.

TEXT OF PROPOSED TREATY CONCERNING BRITISH PART OF FORMER COLONY OF
GERMAN EAST AFRICA.

(This text to apply *mutatis mutandis* in the case of the British Mandates for
Togoland and the Cameroons).

Draft Treaty: East Africa.

Whereas, by Article 119 of the Treaty of Peace signed at Versailles the 28th of June, 1919, Germany renounced in favour of the principal Allied and Associated Powers all her rights and titles over her overseas possessions; and

Whereas, by Article 22 of the same instrument it was provided that certain territories which, as a result of the war, had ceased to be under the sovereignty of the States which formerly governed them should be placed under the Mandate of another Power and that the terms of the Mandate should be explicitly defined in each case by the Council of the League of Nations; and

Whereas, the principal Allied and Associated Powers agreed that His Britannic Majesty should exercise the Mandate for part of the former Colony of German East Africa; and

Whereas, the terms of the said Mandate have been defined by the Council of the League of Nations as follows:—

Terms of Mandate, Except the Preamble.

Whereas, the United States of America, by participating in the war against Germany, contributed to her defeat and to the renunciation of her rights and titles over her overseas possessions, but has not ratified the Treaty of Versailles; and

Whereas, the President of the United States is desirous of concurring in the British Mandate for part of the former Colony of German East Africa; and

Whereas, His Britannic Majesty as Mandatory for part of the former Colony of German East Africa is desirous of ensuring to the United States of America and its citizens the same rights in the said territory as they would enjoy if the United States were a Member of the League of Nations: The President of the United States of America and His Britannic Majesty have decided to conclude a Convention to this effect and have nominated as their plenipotentiaries..... who have agreed as follows:—

Article I:—

Subject to the provisions of the present Convention, the United States concurs in the administration by His Britannic Majesty, pursuant to the aforesaid Mandate, of the former German Territory described in Article One of the Mandate.

Article II:—

The United States and its nationals shall have and enjoy the benefit of all the engagements of His Britannic Majesty defined in the Mandate, including therein equality as regards commercial opportunity, notwithstanding the fact that the United States is not a member of the League of Nations.

Article III:—
Vested American property rights in the mandated territory shall be respected and in no way impaired.

Article IV:—

A duplicate of the annual report to be made by the Mandatory under Article Eleven of the Mandate shall be furnished to the United States.

Article V:—

Nothing contained in the present Convention shall be affected by any modification which may be made in the terms of the Mandate as recited above unless such modification shall have been assented to by the United States.

Article VI:—

The Extradition Treaties and Conventions in force between the United States and the United Kingdom shall apply to the mandated territory.

Article VII:—

The present Convention shall be ratified in accordance with the respective constitutional methods of the High Contracting Parties. The ratifications shall be exchanged in London as soon as practicable. It shall take effect on the date of the exchange of ratifications.

In witness whereof.....

Done in duplicate at.....this.....day of.....

Enclosure 7 in No. 189.

MR. CHILTON (WASHINGTON) to FOREIGN OFFICE.
(Received 9.0 a.m., 9th July, 1922.)

TELEGRAM.

(No. 290 (R).)

8TH JULY. Your despatch No. 961.

In memorandum handed to me to-day Secretary of State proposes following modifications in draft treaty respecting East African mandate.

(1) Paragraph 1 preamble to treaty: Insert date of treaty after "Versailles," reason being that it is merely by custom that Peace Treaty is called Treaty of Versailles.

(2) After second paragraph of preamble insert following addition to paragraph: "whereas benefits accruing to United States under aforesaid Article 119 of Treaty of Versailles were confirmed by treaty between United States and Germany signed 25th August, 1921, to restore friendly relations between the two nations."

Purpose of this paragraph is simply to recite fact that Germany agreed to accord to United States rights and benefits stipulated for benefit of United States in Treaty of Versailles.

(3) Paragraph 4 of preamble. Delete words from "whereas" to "Powers" and substitute "whereas four principal Allied and Associated Powers, to wit: British Empire, France, Italy and Japan, agreed."

Memorandum points out that, as stated in American memorandum of 24th August, 1921,* assent of United States to exercise mandate over former possessions of Germany is not under constitutional system of United States exclusively within authority of the President. As United States have not agreed that His Majesty should exercise a mandate over former German colonies of East Africa they propose above substitution.

(4) Omit preamble from recitation of terms of mandate. This would avoid inclusion of recital in mandate that "principal allied and associated Powers agreed that a mandate should be conferred."

Memorandum points out that this is not an accurate recital.

(5) Omit paragraphs 2 and 3 immediately following recital of terms of mandate beginning "whereas President" and ending "League of Nations," and substitute single paragraph reading as follows "whereas Government of United States and Government of (? Great Britain) desire to reach a definite understanding with regard to rights of two governments and their respective nationals in aforesaid former colonies of German East Africa."

* Enclosure 1 in No. 159 in Dominions No. 81.

Memorandum points out that it is not disputed that four principal Allied and Associated Powers could have reached an agreement amongst themselves with regard to their interest in former German territories, but they could not by such an agreement, without consent of American Government, deal with interests of United States. Moreover, treaty between United States and Japan, which has now been ratified by both countries, uses word "consents" instead of "concurs." United States Government, however, do not desire to insist on a particular locution, and if word "concurs" is used in treaty it must be with distinct understanding that United States completely reserve their position with regard to their relations with former overseas territories of Germany. General purpose of treaty could be succinctly stated (as in case of Japanese treaty) by substitution proposed above.

6. Following is suggested as more appropriate form for Article 1 of treaty: "subject to provisions of present convention United States consents to (concurs in) administration by His Britannic Majesty pursuant to aforesaid mandate of former German territory described in Article 1 of mandate."

7. Article 2, for words between "enjoy" and "notwithstanding" substitute following, "all rights and benefits secured under terms of Article 3 to Article 10 inclusive of mandate, to members of League of Nations and their nationals."

Memorandum points out words "including therein equality as regards commercial opportunity" in Article 2 are unnecessary, in view of fact that purpose of Article (1 gr. omit.) to place United States and its nationals on footing of equality generally as regards all rights and benefits defined by mandate with all members of the League of Nations and their nationals.

8. Article 8 of mandate. Substitute "in" for "to" after (? "bill" ? "ensure") and omit words "subject to such control as may be necessary for maintenance of good government."

A limitation in such vague terms would cast a doubt on efficacy of entire Article and words "subject to provisions of any local law for maintenance of public order and public morals" seems sufficient for the purpose.

Memorandum adds that above applies, *mutatis mutandis*, to treaties and mandates in the case of Togoland and Cameroons.

Copy of memorandum by bag 11th July.

Enclosure 8 in No. 189.

MR. CHILTON (WASHINGTON) TO FOREIGN OFFICE.

(Received 9 a.m., 9th July, 1922.)

TELEGRAM.

(No. 291. (R).)

8TH JULY. My immediately preceding telegram.

In handing me memorandum to-day, Secretary of State said that in his opinion word "concur" implied even more than "consent." Word "consent" was used in Yap treaty and he felt strongly that we should follow as closely as possible wording of that treaty. It had passed Senate and ratifications were about to be exchanged. Senate was only too ready to criticize any negotiations with foreign powers, and, he much regretted to say, in particular with Great Britain. A treaty with Great Britain would probably be closely and suspiciously scrutinized in Senate. It would be more difficult for Senate to criticize treaty with Great Britain if it were worded similarly to treaty which Senate itself had ratified.

I think that it is important that Mr. Hughes's warning should be borne in mind if we are to get treaty through Senate.

Enclosure 9 in No. 189.

FOREIGN OFFICE to MR. CHILTON (WASHINGTON).

(Sent 1.45 p.m., 17th July, 1922.)

TELEGRAM.

(W.5661/1110/98.)

(No. 229 (R).)

YOUR telegrams Nos. 290 and 291 ("B" mandates).

I have received a copy of the memorandum from the American Ambassador. The modifications affect the preamble of the draft treaty, its operative clauses and the mandate itself.

It is difficult to accept American wording of preamble, but I foresee no difficulty in finding ultimately a satisfactory wording. The preamble, however, is not of immediate importance, and can be left until the mandates have been issued by the Council of the League.

As regards the operative clauses, we accept the American texts for Articles 1 and 2 with the addition at the end of Article 1 of the words "hereinafter called the mandated territory."

As regards the amendment of Article 8 of the mandate, we think the Americans have misunderstood our text, but to avoid a prolonged discussion we propose the following text based on Article 2 (1) of the Yap Treaty:—

"The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality. Missionaries who are nationals of States Members of the League shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control."

As the Americans have accepted this text in the Yap Treaty they can have no reasonable ground for refusing to accept it in the "B" Mandates.

Please communicate the contents of this telegram to the American government as soon as possible.

I am happy to think that I shall now be able to inform the Council of the League that the British and United States Governments are as one upon all questions of importance affecting the administration of mandated territories in Africa, and that there can therefore be no obstacle to the immediate issue of the mandates.

The French will no doubt also have been informed of the American suggestions, and I am informing them and the Belgians of my reply.

44619

No. 190.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

} Dominions Treaty No. 43. Confidential.)

[MY LORD.] [SIR.]

Downing Street, 14th September, 1922.

WITH reference to my Confidential despatch Dominions Treaty No. 36 of the 16th of August,* I have the honour to transmit to [Your Excellency] [Your Royal Highness,] for the information of your Ministers, copies of the correspondence noted in the margin, on the subject of the Treaty with the United States of America regarding "B" Mandates.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 190.†

* No. 189.

† See Enclosure 7 in No. 189.

Enclosure 2 in No. 190.

(No. 862.)

MY LORD, British Embassy, Washington, D. C., 19th July, 1922.
 WITH reference to my telegram No. 299 of the 18th instant, I have the honour to transmit herewith copy of a memorandum from the Secretary of State containing further observations with regard to British "B" Mandates.

I have, &c.,
 H. G. CHILTON.

The Earl of Balfour, K.G., O.M.,
 &c., &c., &c.,
 Acting Secretary of State
 for Foreign Affairs.

MEMORANDUM.

THE Secretary of State presents his compliments to the British Chargé d'Affaires, and has the honour to acknowledge his memorandum of 17th July, 1922, with reference to the proposed conventions and draft mandates for certain former German territories in Africa.

It is noted that His Majesty's Government accepts the suggestions of this Government with respect to Article 1 and Article 2 of the proposed treaty relating to British "B" Mandates, and this Government has no objection to the addition at the end of Article 1 of the words "hereinafter called the mandated territory."

With respect to Article 8 of the British mandate for East Africa, and Article 7 of the British mandates for Togoland and the Cameroons, His Majesty's Government proposes to substitute a wording similar to Article II (1) of the American Japanese Treaty of 11th February, 1922, relative to the mandate conferred on the Emperor of Japan over former German Islands in the Pacific Ocean. The attention of His Majesty's Government should be called to the fact that in the quotation of Article II (1) of the American Japanese Treaty there are omitted from the fifth line of the second paragraph of the Article as quoted the words "to open schools," and it is assumed that the words "the mandatory" should be inserted in the same line before the words "shall have the right."

It will be noted, however, that the Article as suggested by His Majesty's Government, with the corrections indicated, contains a limiting clause which might be regarded as similar in effect to the phrase "subject to such control as may be necessary for the maintenance of good Government" which was suggested by His Majesty's Government for insertion in Article 8 of the East African mandate, and Article 7 of the mandates for Togoland and the Cameroons, and which this Government found it impossible to accept. The area of the territories in Central Africa and the conditions which exist and are likely to arise therein differ to such an extent from those of the islands in the Pacific north of the Equator that the Government of the United States, while willing to accept the wording proposed by His Majesty's Government for the "B" Mandates, would be compelled to ask the insertion in the proposed treaty relating to those mandates of an Article which has been proposed for insertion into the conventions respecting the mandates for Palestine and for Syria and the Lebanon, namely, the following:—

"Subject to the provisions of any local law for the maintenance of public order and public morals, the nationals of the United States will be permitted freely to establish and maintain educational, philanthropic, and religious institutions in the mandate territory, to receive voluntary applicants and to teach in the English language."

It has already been suggested to the French Government that if the phrase "subject to the supervision which would be necessary for the maintenance of good administration" is retained in Article 7 of the French "B" Mandates, the Government of the United States would consider it necessary that there should be inserted in the convention between the United States and France, relative to those mandates, the Article quoted above which was proposed for insertion into the conventions for Palestine and for Syria and the Lebanon. The importance of assurance for freedom to teach in English must be emphasized. It is considered necessary for the adequate protection of American educational, philanthropic, and religious institutions throughout the Central African territories that such a provision should be

embodied in the conventions relating to the French mandates for certain of those territories; and for this reason, it is anticipated that His Majesty's Government will have no objection to the inclusion of a similar provision in the conventions relating to the British "B" mandates.

Enclosure 3 in No. 190.

TELEGRAM TO MR. CHILTON (WASHINGTON) FROM FOREIGN OFFICE.

4TH AUGUST. No. 248. Your telegram No. 291.

After most careful consideration we should feel reluctant to agree to substitution of "consents" for "concurs," especially as in American memorandum of 8th July the United States Government express readiness to accept "concurs" subject to proviso that it will not prejudice American standpoint as regards former German colonies.

If you cannot obtain above solution, you may accept "consents" on the distinct understanding that its use will not prejudice our legal position arising under the various treaties with Germany.

Enclosure 4 in No. 190.

TELEGRAM FROM SIR A. GEDDES (WASHINGTON).

(Received 8.30 a.m., 15th August, 1922.)

14TH AUGUST. No. 314. Your telegram No. 248.

Although Secretary of State, who has taken a week to think over question, admits that there is no difference in effect between "concurs" and "consents," he insists that use of "concurs" will prejudice passage through Senate, and begs us to agree to "consents."

I have therefore agreed to "consents" on the understanding laid down in ultimate paragraph of your telegram under reply.

Enclosure 5 in No. 190.

(No. 972.)

MY LORD, British Embassy, Washington, D.C., 19th August, 1922.
 WITH reference to my telegram No. 314 of the 14th instant, on the subject of the use of the words "concurs" and "consents" in the Treaty between the United States and Great Britain respecting "B" Mandates, I have the honour to transmit herewith copy of a letter from the Secretary of State informing me that this matter can be regarded as settled, and expressing his appreciation of the fact that it has been found possible to employ the word "consents" in the Treaty.

I have, &c.,
 H. G. CHILTON.

The Marquess Curzon of Kedleston, K.G.
 &c., &c., &c.,

Department of State,

MY DEAR MR. AMBASSADOR, Washington, 18th August, 1922.
 I HAVE the honour to acknowledge the receipt of your letter of the fourteenth instant, in which, with reference to our conversation on the subject of the use of the words "concurs" and "consents" in the Treaty between the United States and Great Britain respecting "B" Mandates, you were good enough to inform me that you agreed to the use of the word "consents" on the distinct understanding that its use will not prejudice the legal position of His Majesty's Government arising under various treaties with Germany.

In reply, I hasten to inform you that this matter may now be regarded as settled, and I beg to express my appreciation of the fact that you have found it possible to employ this wording in the Treaty.

It is understood, of course, that this locution is without prejudice to the legal position of either Government, with respect to questions arising under treaties with Germany.

Believe me, &c.,
CHARLES E. HUGHES.

His Excellency
The Right Honourable
Sir Auckland Geddes, K.C.B.,
Ambassador of Great Britain.

Enclosure 6 in No. 190.

(No. 577.)

MY LORD,

Brussels, 23rd August, 1922.

I HAVE the honour to transmit to Your Lordship herewith copy of the reply which I have received from the Minister for Foreign Affairs to the inquiry made by me, in accordance with the instructions contained in the Earl of Balfour's despatch No. 737 of 15th July, in regard to "B" Mandates in East Africa and the Treaties to be made between the mandatory Powers and the United States of America in regard thereto.

M. Jaspar states that the Belgian Government have received direct from the United States Government, suggestions similar to those made by the latter to His Majesty's Government; that they have accepted these suggestions; and that a fresh draft Treaty has accordingly been submitted by the Belgian to the United States Government.

I have, &c.,
GEORGE GRAHAME.

The Marquess Curzon of Kedleston, K.G.,
&c. &c. &c.

Ministère des Affaires Etrangères.
Direction P.B. No. Congo.

MONSIEUR L'AMBASSADEUR,

Bruxelles, le 22 aout, 1922.

J'AI eu l'honneur de recevoir la lettre que Votre Excellence a bien voulu m'adresser sous la date du 19 juillet dernier, relativement au projet de Traité à conclure entre chacune des Puissances possédant un mandat pour l'administration de certains territoires aux termes des Traités de Paix et les Etats-Unis d'Amérique.

Le Gouvernement du Roi a été saisi, par le Gouvernement de Washington, des mêmes suggestions que celles signalées dans le Memorandum américain joint à la communication de Votre Excellence. Il s'y est rallié et il vient de soumettre au Gouvernement américain un nouveau projet de Traité rédigé en conséquence.

Je saisis, &c.,
HENRI JASPAR.

Son Excellence

Le Très Honorable Sir George Grahame,
Ambassadeur D'Angleterre,
Bruxelles.

53480

No. 191.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.

Dominions Treaty No. 58. Confidential.)

[MY LORD,] [SIR,]

Downing Street, 16th November, 1922.

WITH reference to my predecessor's Confidential despatch, Dominions Treaty No. 43 of the 14th of September,* I have the honour to transmit to [Your Excellency,]

* No. 190.

[Your Royal Highness,] for the information of your Ministers, a copy of a Note to the United States Ambassador regarding the Mandates for certain ex-German territories in tropical Africa, together with copies of Notes* exchanged between the Secretary of State for Foreign Affairs and the United States Ambassador relative to the proposed convention between Great Britain and the United States of America regarding the Mandate for Palestine.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 191.

THE MARQUESS CURZON OF KEDLESTON TO MR. HARVEY.

(Confidential.)

YOUR EXCELLENCY,

Foreign Office, 30th September, 1922.

IN the last memorandum from the State Department regarding the British mandates for the administration of certain ex-German territories in tropical Africa and the proposed treaties relative thereto, it was stated that the United States Government desired the insertion in the treaties of the following article:—

"Subject to the provisions of any local law for the maintenance of public order and public morals, the nationals of the United States will be permitted freely to establish and maintain educational, philanthropic and religious institutions in the mandate territory, to receive voluntary applicants, and to teach in the English language."

2. The United States Government stated that they were willing to accept the wording proposed by His Majesty's Government for article 8 of the East African mandate, and article 7 of the mandates for Togoland and the Cameroons. This wording was adapted from article 2 (1) of the American-Japanese Treaty of the 11th February, 1922, relative to the mandate conferred on Japan in respect of the former German islands north of the equator in the Pacific Ocean.

3. The observations made in paragraph 3 of the American memorandum in regard to the wording of these articles of the mandates were evidently based on an imperfect text due, no doubt, to telegraphic errors. The text actually proposed by His Majesty's Government was as follows:—

"The mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality. Missionaries who are nationals of States members of the League shall be free to enter the territory and to travel and reside therein; to acquire and possess property, to erect religious buildings and to open schools throughout the territory, it being understood, however, that the mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control."

4. The United States Government explained that in proposing the insertion of the article mentioned in paragraph 1 they were actuated by consideration of the different conditions prevailing and likely to arise in Central Africa as compared with the islands under Japanese mandate, and by the presence in the article just quoted of a limiting clause which might be regarded as similar in effect to the phrase, "subject to such control as may be necessary for the maintenance of good government," which the United States Government had found it impossible to accept.

5. His Majesty's Government find it difficult to agree to the text of the article proposed by the United States Government. Article 2 of the tropical African mandates places upon the mandatory Power the responsibility for peace, order and good government, while the text of the suggested treaty article denies by implication to the mandatory Power the right to subject religious, philanthropic and educational work to the control necessary for the maintenance of good government, and thus, as regards these spheres of activity, divorces responsibility from power. His Majesty's Government have not the slightest intention to discriminate against United States nationals or institutions by subjecting their operations to restrictions not equally applicable to British nationals or institutions. They are, of course, anxious—and, indeed, they are bound under the mandates—to ensure to the utmost, not only

* Not printed; the correspondence dealt with the maintenance of educational establishments in Palestine on somewhat similar lines to those of Enclosure 2 in No. 190, and enclosure in this despatch.

the material, but also the moral well-being and the social progress of the inhabitants of the mandated territories. The religious and social condition of parts of the tropical African mandated territories is, however, such that to allow free access to those parts to Christian missionaries would be fatal to the requirements of good government, even if not to those of public order. For instance, in the north of the Cameroons, as in the neighbouring British protectorate of Nigeria, the native States are Moslem States, which, in the case of the Fulani States, owe their origin to a militant religious movement. Their law, their taxation, and their social system are based on the Koran. The British policy has been, and is, to rule the country through the native administrations, and to give these as much local autonomy as possible. To retain the confidence and goodwill of the native rulers is, therefore, essential, and His Majesty's Government are satisfied that, in present conditions and for a good many years to come, to require the natives to admit against their will Christian missionaries and missionary schools, whose object, whether avowed or not, would obviously be to subvert the Moslem religion, would be so resented by the natives and the native administrations that their confidence and goodwill would be no longer forthcoming; and the mandatory Power would be unable in consequence to carry out its obligations under article 2 of the mandates. His Majesty's Government hope, therefore, that the United States Government will not press their proposal.

6. His Majesty's Government are naturally quite willing that American missionaries should teach in the English language, and they are prepared to give a formal assurance to this effect so far as concerns the territories now in question, if value is attached to it. It would, however, seem unnecessary to do so by means of an article in the treaties, and it may be observed that such an assurance relating to territory under British administration, where the official language will be English, would be of little value as a precedent affecting territories where the official language will be different.

7. As regards the preamble of the African treaties it would seem desirable for the sake of general uniformity that the wording should follow the same lines as the preamble of the treaty regarding the British mandate for Palestine. A separate note on the subject of this treaty is being addressed to the United States Government, in which the reasons are set forth which lead His Majesty's Government to suggest a text different from that which has been proposed by the United States Government. On the hypothesis of this new draft being accepted, His Majesty's Government would propose for the preamble of the African treaties the following text, *mutatis mutandis*:—

Whereas, for the purpose of giving effect to the provisions of article 22 of the Covenant of the League of Nations, a mandate for the administration of part of the former colony of German East Africa has been entrusted to His Britannic Majesty, and

Whereas, the terms of the mandate in respect of this territory have been defined by the Council of the League of Nations as follows:—

(Insert terms of mandate except the preamble), and

Whereas, His Britannic Majesty has accepted the mandate in the above terms in respect of the aforesaid territory, and has undertaken to exercise it on behalf of the League of Nations; and

Whereas, the Government of His Britannic Majesty and the Government of the United States of America are desirous of reaching a definite understanding as to the right of their respective Governments and of their nationals in the said territory;

His Britannic Majesty and the President of the United States of America have decided to conclude a convention to this effect, and have nominated as their plenipotentiaries

who have agreed as follows:—

I have, &c.,

CURZON OF KEDLESTON.

Note.—No further developments occurred during 1922.

(b) "C" Mandates.

4483

No. 192.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.

Dominions Treaty No. 7. Confidential.)

[My LORD,] [SIR,]

Downing Street, 21st February, 1922.

WITH reference to my Confidential despatch Dominions Treaty No. 30 of the 1st September, 1921,* I have the honour to transmit to [Your Excellency] [Your Royal Highness] for the information of your Ministers, a copy of a note communicated by the British Empire Delegation to the Washington Conference, containing an account of a conversation between Mr. Balfour and Mr. Hughes, relative to the situation of the United States Government in regard to the territories in the Pacific administered under "C" Mandates.

2. A copy of the draft note referred to in the last paragraph of the Note of the conversation is also enclosed.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 192.

(S.W. 13.)
(Secret.)

NOTE OF A CONVERSATION BETWEEN MR. BALFOUR AND MR. HUGHES, ON THURSDAY, 8TH DECEMBER, 1921, AT 4 P.M.

A MEETING took place this afternoon at Mr. Hughes' house between Mr. Hughes and Mr. Balfour, who was accompanied by Sir Maurice Hankey and Mr. Malkin. Mr. Hughes explained at considerable length the present situation of the United States Government in regard to the Pacific territories held under "C" Mandates. It appeared from what he said that the United States were perfectly prepared to recognize the allocation of the Mandates which had been made by the Powers and also the terms of the Mandates themselves, and to take such steps as were in their opinion necessary to regularize the position of the Mandatories, subject to their wishes being met on certain points. As regards the Japanese islands, an agreement had been practically reached, the most important provision of which appeared to be that the American Commercial Treaty should be applied in the mandated territories. The position was, however, not the same as regards islands south of the equator, as the United States had no commercial treaty which was applicable either to Australia or to New Zealand.

Mr. Hughes then mentioned the points as to which the United States Government desired their position to be safeguarded. The first of these, of course, was that their position in the territories in question should not be prejudiced by the fact that they were not members of the League of Nations, and that they should enjoy such privileges as members of the League would enjoy under the Mandate. Other points which he mentioned, such as the position of missionaries, where he wished the provision in the "B" Mandates to be adopted instead of that in the "C" should present no difficulty, provided that some means can be discovered of meeting the wishes of the United States Government without altering the terms of the Mandate, which have, of course, been passed and are actually in force. Points which are likely to cause more trouble are the desire of the United States Government that there should be a provision against the exclusive exploitation by the Mandatory of the natural resources of the territories which would seriously affect the position in Nauru. Mr. Hughes was clearly alive to these points, as he mentioned Nauru specifically. Another point of difficulty is the American contention that the provision of the Treaty relating to Samoa between the United States, Germany and Great Britain is still in force as between the United States and Great Britain, and

* No. 159 in Dominions No. 81.

that consequently American citizens can claim in the Mandated islands of Samoa the treatment guaranteed to them by the Treaty. This point has already resulted in a controversy which is still proceeding.

Mr. Hughes, however, did not raise these points as matters which required to be adjusted here and now. What he had in mind was that if the proposed quadruple treaty is signed while these matters are still in discussion it might subsequently be maintained that the discussion had been terminated by the Treaty, and that the United States had abandoned their contentions. What he therefore suggested was that there should be an exchange of notes at the time of the signature of the Treaty preserving in effect the *status quo*, so that the discussion on these points could continue just as if the Treaty had not existed. Mr. Balfour at once recognized that this was only equitable.

Immediately after the interview the purport of what had occurred was conveyed to Senator Pearce and Sir John Salmond, who agreed that the United States proposal was quite reasonable. Senator Pearce has telegraphed the facts to the Prime Minister of Australia, and as Sir John Salmond has no cypher, has asked that the message may be repeated to the Prime Minister of New Zealand. The draft of a note which the United States Government might address to the British Representatives at the time of the signature of the Treaty and which would be acknowledged and accepted by the British Representatives is annexed. Its terms have been approved by Mr. Balfour, Senator Pearce and Sir John Salmond; but it has not yet been shown to Mr. Hughes or any American representative. It may, however, be convenient to have it available in case the Americans do not produce a draft of their own.

M. P. A. HANKEY

Washington, D.C.,
8th December, 1921.

Annexure.

SIR,

I wish to place on record the understanding of the United States Government that the conclusion of the agreement of to-day's date between the United States of America and the British Empire, France and Japan, does not prejudice in any way the matters in relation to the ex-German islands south of the Equator, which are at present the subject of discussion between our Governments, and that the said matters may continue to be discussed with a view to a satisfactory adjustment in precisely the same condition as before the signature of the agreement referred to.

Note.—The understanding referred to was embodied in the Declaration signed at Washington on the 13th December, 1921 (see pages 40 and 41 of Cmd. 1627).

20438

No. 193.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st May, 1922.)

(No. 156.)

SIR, Government House, Cape Town, 11th April, 1922.
I HAVE the honour to transmit to you a copy of a letter from the American Consul-General at Cape Town making inquiries regarding the Customs Laws of the Union of South Africa and their application to the South-West Africa Protectorate, together with a copy of the acknowledgment which has been sent.

2. I have referred the inquiry to my Ministers for consideration.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure 1 in No. 193.

American Consulate-General, Cape Town, South Africa,

3rd April 1922.

SIR,

I HAVE the honour to request your Royal Highness to kindly inform me whether in the application of the Customs Laws of the Union of South Africa to the mandate territory of South-West Africa these laws apply to merchandise passing between the Union and South-West Africa?

I should also be pleased to be informed what portions of the British Empire, aside from the Union of South Africa, enjoy a tariff preference in South-West Africa as provided for by the Customs Laws of the Union, and what Colonies are included in the Customs Union of South Africa. If possible, it would be desirable to receive a copy of the latest Customs Convention of South Africa.

I have, &c.,

ALFRED A. WINSLOW,
American Consul-General.

His Royal Highness

The Governor-General of the
Union of South Africa, Cape Town.

Enclosure 2 in No. 193.

(No. 21/282.)

SIR,

Governor-General's Office, Cape Town, 11th April, 1922.

I AM directed by His Royal Highness the Governor-General to acknowledge the receipt of your letter No. 610 of the 3rd April making certain inquiries regarding the Customs Laws of the Union of South Africa and their application to the South-West Africa Protectorate, and to inform you that it is receiving consideration.

I have, &c.,

B. E. H. CLIFFORD,
Secretary to the Governor-General.

The Consul-General of the
United States of America,
Cape Town.

26860

No. 194.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6th June, 1922.)

(No. 221.)

SIR,

Governor-General's Office, Cape Town, 17th May, 1922.

I HAVE the honour to transmit to you herewith, with reference to my despatch No. 156 of the 11th April, 1922,* copy of a letter dated 17th May, 1922, to the American Vice-Consul in Charge, American Consulate-General, Cape Town, on the subject of the customs laws of the Union of South Africa and their application to South-West Africa.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

* No. 193.

(No. 21/284.)

SIR, Governor-General's Office, Cape Town, 17th May, 1922.
 WITH reference to Mr. Winslow's letter No. 610 of the 3rd April, I am directed to inform you that, subject to the ordinary preventive measures against the importation of plant and animal diseases, there is absolute free trade between the Union and the Mandated Territory of South-West Africa, as provided for under Section 27 of Act No. 35 of 1921.

The preferential rates of customs duty provided for in the Union Customs Tariff Act of 1914 on goods grown, produced, or manufactured in Great Britain and imported into South Africa are also applied to importations into the Mandated Territory of South-West Africa by virtue of the provisions of the Section of the 1921 Act above quoted.

Similarly goods grown, produced, or manufactured in Canada, Australia, or New Zealand enjoy the benefit of the preferential tariff rates on importation into South-West Africa by virtue of the Governments of those Dominions having reciprocal tariff agreements with the Government of the Union.

Also participating in the Union's free trade relations with South-West Africa are Basutoland, Swaziland, the Bechuanaland Protectorate, Southern Rhodesia and Northern Rhodesia within the Zambesi Basin, between the respective Administrations of which territories customs agreements subsist with the Union of South Africa. I hope shortly to be able to forward copies of these agreements.

Other than as stated, no goods grown, produced, or manufactured in the British Empire enjoy preferential customs rates in South-West Africa.

I have, &c.,

B. E. H. CLIFFORD,
 Secretary to the Governor-General.

39983

No. 195.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD, Downing Street, 18th August, 1922.

WITH reference to my Confidential despatch Dominions Treaty No. 30 of the 1st September, 1921,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of correspondence with the United States Ambassador on the subject of "C" Mandates.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 195.

(No. 318.)

MY LORD, London, 26th July, 1922.

IN my memorandum of 24th August, 1921,† on the subject of Mandates, I included, pursuant to the instructions of my Government, the following suggestions regarding the draft Mandates for the so-called "C" Mandate territories other than Yap:—

(A) That Article 5 should be changed so as to embrace nationals of the United States, and that it would be preferable to avoid ambiguity as to educational and charitable activities of missionaries to have in this Article the same provision as in Article 8 of the British "B" Mandate for German East Africa.

(B) That it was desired that the Mandatories should guarantee to the United States most-favoured-nation treatment in all "C" Mandate territories, reserving, however, the present special treaty rights of the United States with respect to German Samoa.

* No. 159 in Dominions No. 81.

† Enclosure 1 in No. 159 in Dominions No. 81.

(c) There should be a provision similar to that proposed in the other forms of Mandate prohibiting monopolistic concessions or the monopolizing of natural resources by the Mandatory.

(d) That as in other cases any modification of the Mandate should be subject to the assent of the United States.

In the communications which my Government has thus far received on the subject of Mandates no direct references have been made to the above points. Your Lordship set forth in Notes of 22nd December and 29th December, 1921,* that it has never been the intention of His Majesty's Government to deprive the United States of any of the rights and privileges to which it is entitled as a result of the common victory over Germany, and in particular that His Majesty's Government disclaim any intention to discriminate against United States nationals and companies. In view of these cordial assurances my Government has assumed that there would be no disposition to deny to the United States in the "C" Mandate territories any guarantees which may be appropriate for the safeguarding of the present or prospective American interests in those territories, and in particular that no action would be taken prior to the assent of the United States to the Mandate, which would be discriminatory or otherwise contrary to the spirit of the expected guarantees.

Nevertheless certain circumstances and action have recently been brought to the attention of my Government which, in the absence of correspondence on the subject of "C" Mandates since my memorandum of 24th August last,† appear to my Government to justify an immediate inquiry.

The circumstances and action to which reference is made may be briefly summarized as follows:—

(1) In my Memorandum of 24th August† I stated that the Government of the United States had protested against the discriminatory tariff imposed by New Zealand in violation of the Treaty concluded at Washington 2nd December, 1899. Subsequently further representations were made and the Embassy was informed some weeks ago that the matter was still under discussion with the New Zealand Government. In the meantime, however, there has been, so my Government is informed, no suspension or repeal of the discriminatory duties. Although the treaty rights of the United States are in this instance controlling, my Government believes that, apart from these rights there should be prior to the assent of the United States to the mandate no discrimination of any kind in the mandate territory against the citizens or commerce of the United States.

(2) Somewhat similar action appears to have been taken with respect to former German South West Africa. It is understood that an Act to amend the tariffs of the Union of South Africa, published in the South African official *Gazette* of 30th May, 1921, and reported to have come into force 7th June, 1921, contemplates that this mandate territory should be regarded for Customs and Excise purposes as a part of the Union which it is understood accords certain tariff preferences to other parts of the British Empire. The result of this legislation would be discrimination against the United States. If it is the purpose of the Union of South Africa to keep legislation of this character in force the Government of the United States feels that it must request for its goods imported into South West Africa any benefits or preferences accorded to any other similar goods.

(3) The Governor-General of the Australian Commonwealth on 22nd February, 1922, proclaimed certain amendments to the regulations under which the Treaty of Peace (Germany) Act, 1919-1920, providing for the sale of enemy property and apparently applicable to such property in the mandate territory of New Guinea. The amended regulations contain the following provisions: "The Custodian shall not sell any property to any purchaser other than to

(a) A person who is a soldier within the meaning of Australian Soldiers' Repatriation Act, 1917-1920, or who is a natural-born British subject.

(b) A company in which the majority of the shares are held by persons who are natural-born British subjects and of which the Articles of Association contain a provision prohibiting the sale or transfer of shares in the company to persons who are not natural-born British subjects.

(c) A company registered in any part of His Majesty's Dominions in which the majority of the shares is held by persons who are natural-born British subjects and which is approved by the Attorney-General."

The effect of such provisions would be to discriminate against American nationals and companies who might desire to participate in the purchase of the property concerned.

* Enclosure in No. 186 and Enclosure 2 in No. 187.

† Enclosure 1 in No. 159 in Dominions No. 81.

(4) It appears that on 22nd November, 1921, an official statement was made in the Australian Parliament regarding oil deposits in mandate New Guinea indicating, if the statement has been correctly transmitted to my Government, that it was at that time the purpose to reserve all such deposits for the exclusive use of the authorities administering the mandate. Previous to this the feeling was expressed in the Australian Parliament that under Class "C" mandates such as this of New Guinea the mandatory might impose whatever restriction it pleased upon both men and goods. Statements of this tenor are mistaken if it is assumed, as my Government has been inclined to do, that the views of the Government of the United States regarding mandates and the acceptance in general of these views by His Majesty's Government had not at that time been made known to the officials of the Commonwealth. My Government has not been made aware, however, of any subsequent correction of these statements or of any further announcements of a more reassuring nature; and American interests are left in uncertainty regarding the possibility of participation in certain important branches of economic activities in New Guinea.

(5) In previous correspondence I have called Your Lordship's attention to the Agreement by the Japanese Government to furnish a duplicate not a copy of its annual report which is to be submitted to the League of Nations on the Administration of the mandate territories. A provision to this effect is incorporated in the Treaty between the United States and Japan relating to the Mandated Islands in the Pacific North of the Equator, and His Majesty's Government has agreed to the insertion of a similar provision in the proposed Treaty relating to Palestine. It is assumed accordingly that there will be no objection to following a similar procedure with regard to the reports on the Administration of the "C" mandate territories administered by the Union of South Africa, the Commonwealth of Australia, and New Zealand. Pending the conclusion of a definite agreement regarding all of the "C" mandates my Government would be glad to receive duplicates of the reports submitted to the League of Nations on the administration of these territories.

It is hoped that His Majesty's Government will find it possible at an early date to convey to my Government the desired assurances on the points raised by my Government with regard to the "C" mandates and embodied in my Memorandum of 24th August,* and that until an appropriate treaty is concluded relating to these territories, no action will be taken of a monopolistic character or discriminating against American nationals and companies or otherwise prejudicial to American rights and interests.

I have, &c.,
For the Ambassador,
POST WHEELER,
Counsellor of Embassy.

The Right Hon.
The Earl Balfour, K.G.,
&c., &c., &c.

Enclosure 2 in No. 195.

YOUR EXCELLENCY, Foreign Office, S.W.1, 12th August, 1922.

I HAVE had the honour to receive Your Excellency's note of the 26th ultimo (No. 318) setting forth the views and wishes of the United States Government in connexion with the terms of the "C" mandates for the administration of certain territories formerly under German rule.

2. His Majesty's Government will give most careful consideration, in consultation with the Governments of the Dominions concerned, to the desiderata of the United States Government, and I shall have the honour to acquaint you with their views in due course.

I have, &c.,
(In the absence of the Secretary of State),
G. H. VILLIERS.

His Excellency
The Honourable
George Harvey,
&c., &c., &c.

* Enclosure 1 in No. 159 in Dominions No. 81.

39983

No. 196.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

[Answered by No. 201.]

(Commonwealth of Australia.
(New Zealand. Confidential.)
(Union of South Africa.

[MY LORD.] [SIR,]

Downing Street, 18th August, 1922.

WITH reference to my Confidential despatch Dominions Treaty No. 30 of the 1st September, 1921,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] for the consideration of your Ministers, a copy of correspondence with the United States Ambassador on the subject of C Mandates.

[To New Zealand: 2. I hope to address you shortly with regard to the representations of the United States Government as to the preferential tariff in Western Samoa, which formed the subject of your Confidential despatch of the 13th June, 1921,† and previous correspondence.]

I have, &c.,
WINSTON S. CHURCHILL.

39983

No. 197.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 2.30 p.m., 30th August, 1922.)

TELEGRAM.

(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

30TH AUGUST. Confidential. My despatch 1st September, 1921, Dominions Treaty No. 30, Confidential.* Further note received from United States Ambassador on subject of C Mandates of which copies enclosed in my despatch 18th August, Confidential.† Following is summary:—

Begins: Government of United States of America repeat four suggestions made in memorandum 24th August, 1921,‡ and quote statement of Secretary of State for Foreign Affairs in notes of 22nd December, 29th December¶ (of which copies enclosed in my despatches Dominions Treaty No. 11 of 28th March and No. 13 of 22nd April**) that it has never been intention of His Majesty's Government to deprive United States of rights and privileges to which entitled as result of common victory over Germany and in particular that they disclaim intention to discriminate against United States nationals and companies. In view of these assurances Government of United States America assumed that there would be no disposition to deny to United States in C Mandate territories any guarantees appropriate for safeguarding present or prospective United States interests and in particular that no action would be taken prior to assent of United States to Mandate which would be discriminatory or otherwise contrary to spirit of expected guarantees. Nevertheless certain circumstances recently brought to notice which appear to United States Government to justify immediate inquiry. As to these am telegraphing†† separately. United States Government also refer to Japanese agreement to furnish duplicate and not copy of annual report to be submitted to League on administration of mandated territories, and assume no objection to similar procedure as regards C Mandate territories administered by Dominions. Pending definite agreement they would be glad to receive duplicates of reports submitted. United States Government hope that until treaty concluded relating to C Mandate territories, no action will be taken of monopolistic or discriminatory character or otherwise prejudicial to United States rights and interests. *Ends.*

Your Ministers will observe that British notes 22nd December, 29th December,‡ quoted by Government of United States of America, dealt with B and A Mandates only.—SECRETARY OF STATE FOR THE COLONIES.

* No. 159 in Dominions No. 81. † Enclosure in No. 195. ‡ No. 164 in Dominions No. 81.
§ No. 196. ¶ Enclosure in No. 159 in Dominions No. 81. ** Nos. 186 and 187. †† Nos. 198, 199 and 200.
2 in No. 187.

39983

No. 198.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.45 p.m., 30th August, 1922.)

TELEGRAM.

My telegram of to-day,* C Mandates, sent also to New Zealand and Union of South Africa. Instances quoted by Government of United States of America include—

(1) Regulations 22nd February as to sale of enemy property apparently applicable to New Guinea prohibiting sale to purchasers other than British subjects or companies.

(2) Statement made in Commonwealth Parliament 22nd November, 1921, that it was purpose to reserve oil deposits New Guinea for exclusive use of Mandatory authorities.

As to former question representations also received from Government of Germany, see my despatch 18th August, No. 293†.—SECRETARY OF STATE FOR THE COLONIES.

39983

No. 199.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.45 p.m., 30th August, 1922.)

TELEGRAM.

My telegram of to-day,* C Mandates, sent also to Australia and Union of South Africa. Instances of alleged discrimination quoted by Government of United States of America include preferential tariff Western Samoa, see your despatch 13th June, 1921, Confidential‡. This question has been discussed with Bell, and I hope to telegraph shortly.—SECRETARY OF STATE FOR THE COLONIES.

39983

No. 200.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.45 p.m., 30th August, 1922.)

TELEGRAM.

30TH AUGUST. My telegram of to-day,* C Mandates, sent also to Australia and New Zealand. Instances quoted by Government of United States of America include Union Customs Duties Amendment Act, 1921, which contemplates that mandated territory should be regarded for Customs purposes as part of Union. United States Government observe that in view of tariff preference accorded by Union to other parts of Empire, this involves discrimination in South West Africa, and ask that if such legislation maintained United States goods imported there may be given any benefits or preferences accorded to any other similar goods.—SECRETARY OF STATE FOR THE COLONIES.

* No. 197. † 39858: not printed; it enclosed a copy of a Note from the German Ambassador protesting against the Regulations. ‡ No. 164 in Dominions No. 81.

63242

No. 201.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 22nd December, 1922.)

(Confidential.)

MY LORD DUKE,

Government House, Wellington, 2nd November, 1922.

WITH reference to Mr. Churchill's Confidential despatch of the 18th August,* relative to the claims of the United States Government in connexion with the ex-German territories administered under type "C" Mandates, I have the honour to inform Your Grace that as the despatch raises questions in which the Commonwealth of Australia, as Mandatory for ex-German New Guinea and the Solomons, the Union of South Africa, as Mandatory for ex-German South West Africa, and the Dominion of New Zealand, as Mandatory for ex-German Samoa, are equally interested, my Ministers would be glad if the points raised by the United States may be temporarily shelved until they have been considered by the Imperial Conference, which Mr. Massey understands it is proposed to hold next year. This course, my Prime Minister informs me, has already been recommended to the Foreign Office by the Honourable Sir Francis Bell, Attorney-General for New Zealand, during his recent visit to England.

I have, &c.,

JELlicoe,

Governor-General.

(2) Position of Mandated Territories in relation to Treaties.

52540

No. 202.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 203.]

SIR,

Downing Street, 9th February, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 21st October, 1921,† regarding certain questions raised by the Government of the Commonwealth of Australia as to the position of territories administered under mandate.

2. Mr. Churchill concurs in the views expressed in paragraph 2 of your letter, but as regards paragraphs 3 and 4 he desires me to offer the following observations.

3. It is stated in paragraph 3 of your letter that territories administered under "C" Mandates "are to be administered as integral parts of the territory of the Mandatory." Similarly, in paragraph 3 of your letter of the 12th September, 1921,‡ regarding the introduction of a preferential tariff in Western Samoa, it is stated that Article XXII of the Covenant of the League of Nations lays down that territories administered under "C" Mandates "should be regarded as and administered as integral portions of the Mandatory." The actual wording of Article XXII of the Covenant is "can be best administered under the laws of the Mandatory as integral portions of its territory," while the wording of Article II of the Mandates is "the Mandatory shall have full power of administration and legislation over the territory as an integral portion of his territory."

4. As stated in the letter from this Department of the 19th May, 1921,§ regarding the Anglo-Persian Agreement of the 21st March, 1920 (to which no reply has been received), Mr. Churchill's view is that the territorial application of commercial Treaties with Foreign Powers is settled in each case by the terms of the

* No. 196. † No. 162 in Dominions No. 81. ‡ No. 166 in Dominions No. 81. § No. 206 in Dominions No. 81.

Treaty itself. Such Treaties only apply outside His Majesty's Dominions in the case of Protectorates if special provision in that behalf is made in the Treaties, and then only if the Protectorates in question have specially adhered. The view which His Majesty's Government have taken of the provision in Article II of the "C" Mandates empowering the Mandatory to administer the mandated area as an integral portion of his territory is that it was intended to free the Mandatories from any obligation to grant equal opportunities of trade and commerce to the members of the League of Nations. The provision merely defines the nature and extent of the powers conferred on the Mandatory, and in this connexion it should be borne in mind that none of the laws of a Mandatory power apply automatically to territory administered under a "C" Mandate, but such laws must be specially applied. Thus in Section 13 of the Commonwealth New Guinea Act, 1920, it was provided that "except as provided in this or any Act, the Acts of the Parliament of the Commonwealth shall not be in force in the territory unless expressed to extend thereto, or unless applied to the Territory by Ordinance made by the Governor-General under this Act." For the action taken under this section, I am to invite attention to the New Guinea Laws Repeal and Adopting Ordinance, of which a copy is enclosed.*

5. It is true that in recent correspondence† with the Governor-General of the Union of South Africa regarding the application of the Arms Traffic Convention one of the reasons advanced by the Union Government in favour of the exclusion of South West Africa from the prohibited zone was that Article II of the Mandate for South West Africa "distinctly provides that that territory shall be an integral portion of the Union." It is, however, doubtful whether it was intended that these words should be construed in a sense which would support the view put forward in your letter under acknowledgment. On the contrary, in recent correspondence‡ as to the application to Mandated territory of Extradition Treaties, the Union Government specifically asked that Extradition Treaties in future should contain some provision under which they could be made applicable to territories administered by the self-governing Dominions under Mandates. Lord Curzon concurred in the view that such provision would be desirable (see your letter of the 18th January, 1921§), and on the point being put to them the Governments of the Commonwealth of Australia and New Zealand also expressed concurrence. If the theory advanced in your letter under acknowledgment is accepted, such provision would, of course, be unnecessary, as Extradition Treaties in force in any of the Dominions concerned would automatically be applicable to territories administered by them under "C" Mandates.

6. Reference may also be made to the provisions of the recent Union Customs and Excise Duties Amendment Act, 1921, Section 27 of which provides that "the Mandated territory of South West Africa shall, for the purpose of the collection of Customs and Excise Duties, be regarded as a part of the Union."

7. There would further be practical difficulties in the way of the application of the doctrine, set forth in your letter, to New Zealand. These difficulties arise from the Anglo-American Agreement of 1899 regarding Samoa, which forms the subject of your letter of the 12th September, 1921,|| and previous correspondence. If it is held that Western Samoa should be treated as part of New Zealand for Treaty purposes, it would seem necessary to extend the national rights claimed by the United States in Western Samoa (including participation in the British preferential tariff) to all countries entitled to most-favoured-nation rights in New Zealand.

8. Again, in the case of Australia, it will be remembered that special arrangements have usually to be made in relation to the position of Papua and Norfolk Island as regards commercial Treaties. These territories do not form part of the Commonwealth, but are under its authority, and are, in fact, administered under the same section of the Commonwealth Constitution Act as is New Guinea. It has been the consistent policy of the Commonwealth Government during recent years to free itself, Papua, and Norfolk Island, from commercial Treaty obligations already applicable. It can hardly be expected that the Commonwealth Government would welcome the view that such commercial Treaties as still remain applicable have been automatically extended to New Guinea by the terms of the Peace Treaty.

* Ordinance 1 of 1921. † See No. 57 in Dominions No. 81. ‡ See No. 173 in Dominions No. 75. § 3061; not printed; its effect is shown in Nos. 95 and 96 in Dominions No. 81. || No. 166 in Dominions No. 81.

9. Finally, the view put forward in your letter appears to imply that any Power enjoying any form of national rights under Treaty in the Mandatory Dominions, e.g., Italy, has similar rights in the territory mandated to them. This view would appear incompatible with that set out in paragraph 4 above as to the meaning of the provision in the "C" Mandates for the administration of the Mandated territory as an integral portion of the territory of the Mandatory. If it was considered impossible to impose on the Mandatory the obligation to grant equal opportunities for trade, it could hardly have been intended to compel him to differentiate between foreign countries according to the accident of his previous Treaty system.

10. For the above reasons it is hoped that Lord Curzon may now find himself able to concur in Mr. Churchill's view that existing general commercial Treaties do not extend to Mandated Territory unless special arrangements are made, and that any future Treaties similarly would not extend to such territory unless it were specifically mentioned or unless notification of adherence were given in respect of it. In this connexion it is observed that in Article 5 (d) of the Agreement between the United States of America and Japan relative to Mandated Territories in the Pacific Ocean, it is agreed that "the Treaties between the United States and Japan now in force shall apply to the mandated islands." It would appear, therefore, that the Japanese Government do not take the view that treaties applicable to Japan necessarily apply to the territories mandated to Japan.

11. As regards paragraph 4 of your letter, Mr. Churchill understands the intention to be that, apart altogether from Treaties, foreigners are entitled, in territories administered under "C" Mandates, to all rights and privileges enjoyed in fact in the Mandatory's territory. This cannot be the case, as such right must rest on law, and the "C" Mandates (except that for Nauru, in which no reference is made to the application of the Laws of the Mandatory) expressly recognized that the laws of the Mandatory need only be applied subject to such local modifications as circumstances may require (Article 2). Whether, however, the matter is viewed from the standpoint of rights under Treaty or rights under law, difficulty must arise in connexion with the case of Nauru, which is mandated to the British Empire and not to any specific portion of the British Empire, and similar difficulty would exist with regard to New Guinea and South West Africa, since the rights of foreigners, whether under Treaty, or under law apart from Treaty, vary in the Union of South Africa from Province to Province, and in the Commonwealth from State to State.

12. Further, it seems to Mr. Churchill difficult to confine discussion of the question to rights and privileges. If it is held that foreigners are entitled in a territory administered under "C" Mandate to the rights and privileges which they enjoy in fact in the Mandatory's own territory, it would seem to follow that they are also necessarily subject to the same disabilities and restrictions to which persons of their nationality are subject in the territory of the Mandatory, and, as indicated in the preceding paragraph, difficulties would then arise as to the nature of the disabilities, etc., applicable.

13. If Lord Curzon should be unable to concur in the above views, Mr. Churchill would be prepared to consult the Dominion Governments on the matter. Without their concurrence it is, of course, clearly impossible to adopt, as a policy, the views outlined in your letter. Mr. Churchill would, however, in that event, be grateful to receive for communication to the Dominion Governments a full statement of Lord Curzon's views, and the reasons advanced in support of them, and he would ask that in any such statement special mention should be made of the Treaty position of Nauru, with particular reference to the difficulties mentioned in paragraphs 11 and 12 of this letter.

I am, &c.,

C. T. DAVIS.

19644

No. 203.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 26th April, 1922.)

[Answered by No. 204.]

SIR,

Foreign Office, S.W.1, 25th April, 1922.

I AM directed by the Marquess Curzon of Kedleston to refer to your letter of the 9th February last* regarding the application to territories administered under "C" mandates of treaties to which the mandatory is a party.

2. Lord Curzon is not yet wholly convinced that the view put forward in your letter is correct, but in view of the great importance attached to it by the self-governing Dominions he is prepared to refrain from disputing it. If the action of any Dominion in this respect were challenged by a foreign power, the latter would presumably lodge a complaint with the League of Nations, either immediately, or after failing to obtain satisfaction through the diplomatic channel; and the point would then come before the Council for decision. With a view to his being the better prepared to meet any eventual protest, the Secretary of State will be glad to accept Mr. Secretary Churchill's offer to obtain the considered views of the Governments of the Dominions.

I am, &c.,
R. H. CAMPBELL.

19644

No. 204.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 205.]

SIR,

Downing Street, 11th May, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 25th April† regarding the application to territories administered under "C" mandates of treaties to which the mandatory is a party.

2. It will be observed that in paragraph 13 of the letter from this Department of the 9th February* Mr. Churchill asked that, if it were desired that the Dominion Governments should be consulted on this subject, he might be furnished, for communication to them, with a full statement of Lord Curzon's views, and the reasons advanced in support of them, with particular reference to the case of Nauru which is mandated to the British Empire. It is clearly desirable, if the Dominion Governments are to be consulted, that they should be in possession of a full statement of the arguments which can be advanced on both sides of the question, in order to enable them to form a judgment. As, however, Lord Curzon does not now wish to press the view expressed in your letter of the 21st October, 1921,‡ Mr. Churchill would suggest that communication with the Dominion Governments might be deferred until the question arises in a concrete case.

3. If Lord Curzon concurs in this proposal, it would hardly seem necessary to reply in detail to the despatch from the Governor-General of the Commonwealth of Australia, a copy of which was enclosed in the letter from this Department of the 6th October, 1921.§

4. A separate letter will be addressed to you with regard to the Treaty rights of the United States in Western Samoa, which formed the subject of your letter of the 3rd May.||

I am, &c.,
C. T. DAVIS.

* No. 202. † No. 203. ‡ No. 162 in Dominions No. 81. § 48490: not printed; it enclosed for observation a copy of No. 161 in Dominions No. 81. || 20990: not printed; it stated that the United States Government were pressing for a reply.

24069

No. 205.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 20th May, 1922.)

SIR,

Foreign Office, S.W.1, 18th May, 1922.

I AM directed by the Marquess Curzon of Kedleston to acknowledge the receipt of your letter of the 11th instant,* regarding the application to territories administered under "C" mandates of treaties to which the mandatory is a party, and to state that His Lordship raises no objection to the postponement, as suggested by Mr. Secretary Churchill, of an inquiry of the Governments of the overseas Dominions as to their views on the subject.

2. With regard to paragraph 3 of your letter Lord Curzon presumes that the Government of the Commonwealth of Australia will be informed, if this has not already been done, on the contents of the letter from this Department of the 21st October last† so far as it related to the issue of passports to natives of territories administered under Mandate.

I am, &c.,
G. H. VILLIERS.

24069

No. 206.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD.

Downing Street, 27th June, 1922.

I HAVE the honour to request Your Excellency to inform your Ministers that His Majesty's Government have had under consideration your despatch No. 269, of the 1st August, 1921,‡ regarding the international status of Mandated Territories.

2. As regards the grant of passports to natives of these territories, it will be observed that Article 127 of the Treaty of Versailles provides that the native inhabitants of the former German Colonies shall be entitled to the diplomatic protection of the Government exercising authority over the territory. Accordingly, the natives are entitled to passports as British protected persons, and in actual practice the Government exercising authority over the territory decides what persons are entitled to such passports. In this connexion I would invite reference to Chapter XXVI. of the Revised Consular Instructions, of which copies were enclosed in my despatch Dominions No. 500 of the 16th December, 1921.§

3. Your Ministers will be aware that the Permanent Mandates Commission|| has been asked by the Council of the League of Nations to examine the question of the nationality of inhabitants of territories administered under B and C Mandates.

4. A note has been made of your Ministers' desire to be kept informed of any questions which may arise concerning the rights of foreigners under treaties. It will have been observed that in the Treaty between the United States of America and Japan, relative to Mandated Territories in the Pacific Ocean, of which copies were enclosed in my despatch Dominions No. 100 of the 28th March,¶ provision was inserted in Article 2 (3) by which it was agreed that existing Treaties between the United States and Japan should be applicable to the Mandated Islands. There was also a short discussion at the 9th Meeting of the First Session of the Permanent Mandates Commission on the question of the application of Labour Conventions to South West Africa, and the territories mandated to Japan (page 46 of League of Nations paper C. 416 M. 296, 1921, vi.).

5. I might also mention that in accordance with the correspondence ending with your Confidential despatch of the 13th June, 1921,** steps are being taken for the insertion in future Extradition Treaties, of a provision under which they may be made applicable to territories administered by the self-governing Dominions under Mandate.

I have, &c.,
WINSTON S. CHURCHILL.

* No. 204. † No. 162 in Dominions No. 81. ‡ No. 161 in Dominions No. 81. § 59950: not printed; it enclosed a copy of the chapter referred to. || See No. 226. ¶ 12578: not printed; it enclosed a copy of the Treaty. ** No. 98 in Dominions No. 81.

Note.—The possibility of making provision for the accession of Mandated Territories to Commercial Treaties was subsequently discussed between the Departments concerned, and as a result it was decided that the Articles in the Model Draft Commercial Treaty dealing with the accession and withdrawal of territories outside the United Kingdom should in future read as follows:—

Article 21. The stipulations of the present Treaty shall not be applicable to India or to any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions, or Protectorates, unless notice is given by His Britannic Majesty's Representative at _____ of the desire of His Britannic Majesty that the said stipulations shall apply to any such territory.

Nevertheless, goods produced or manufactured in India or in any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions, or Protectorates shall enjoy in _____ complete and unconditional most-favoured-nation treatment so long as goods produced or manufactured in _____ are accorded in India or such self-governing Dominion, Colony, Possession, or Protectorate treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

Article 22. The terms of the preceding Article relating to India and to His Britannic Majesty's self-governing Dominions, Colonies, Possessions, and Protectorates shall apply also to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty.

Article 23. The present Treaty shall be ratified and the ratifications shall be exchanged at _____ as soon as possible. It shall come into force immediately upon ratification, and shall be binding during _____ years from the date of its coming into force. In case neither of the Contracting Parties shall have given notice to the other, twelve months before the expiration of the said period of _____ years of its intention to terminate the present Treaty, it shall remain in force until the expiration of one year from the date on which either of the Contracting Parties shall have denounced it.

As regards, however, India or any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions, or Protectorates, or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty, to which the stipulations of the present Treaty shall have been made applicable under Article 21, either of the Contracting Parties shall have the right to terminate it separately at any time on giving twelve months' notice to that effect.

(3) Nauru Mandate.

32787

No. 207.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.10 p.m., 26th July, 1922.)

TELEGRAM.

[Answered by No. 208.]

YOUR despatch 20th May, No. 214.* Rule 8 of Permanent Mandates Commission (see League of Nations paper C. 404 M. 295. CPM 8 19th October, 1921) provides that at beginning of ordinary session Commission shall undertake examination of annual reports submitted by Mandatory Powers to take place in presence of accredited representative of Mandatory Power issuing report. Inquiry received from League who will be accredited representative of His Majesty's Government for purpose of discussion of report on Nauru at session of Commission beginning 1st August. Intention appears to be that representative should be some person other than British Member of Commission. His Majesty's Government would be glad to learn whom your Ministers would desire to act in this capacity. In view of shortness of time suggested that Government of Commonwealth of Australia may like to inform League direct of arrangements proposed.—SECRETARY OF STATE FOR THE COLONIES.

* 5559: not printed; it enclosed copies of the Report on the Administration of Nauru for the period 17th December, 1920, to 31st December, 1921.

36869

No. 208.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.55 p.m., 28th July, 1922.)

TELEGRAM.

28TH JULY. Your telegram 26th July.* Prime Minister has sent following telegram for Secretary-General, League Nations:—

Begins: Government of Commonwealth of Australia after consultation with British Government have instructed Sir Joseph Cook, High Commissioner for Australia, to represent Mandatory before Mandates Commission during examination of reports Nauru. *Ends.*

—GOVERNOR-GENERAL.

36869

No. 209.

COLONIAL OFFICE to OFFICES OF THE CABINET.

[Answered by No. 210.]

Downing Street, 28th July, 1922.

THE Under Secretary of State for the Colonies presents his compliments to the Secretary to the Cabinet and, with reference to Colonial Office letter of the 27th July,† begs to transmit a copy of a telegram‡ from the Governor-General of the Commonwealth of Australia regarding the appointment of an accredited representative to appear before the Permanent Mandates Commission of the League of Nations in connexion with the examination of the reports of the administration of Nauru.

It is presumed that any necessary steps will be taken to make it clear to the Secretariat of the League that Sir Joseph Cook will be acting as the accredited representative of His Majesty's Government for this purpose.

37663

No. 210.

OFFICES OF THE CABINET to COLONIAL OFFICE.

(Received 1st August, 1922.)

THE Secretary to the Cabinet presents his compliments to the Under Secretary of State for the Colonies and transmits herewith copy of a note to the Secretary-General of the League of Nations on the subject of the representation of the British Empire before the Mandates Commission during the discussion of the reports on the administration of Nauru.

Reference to previous correspondence: Colonial Office letter of the 28th instant.§
Offices of the Cabinet,

31st July, 1922.

[Similar letter sent to Foreign Office.]

Enclosure in No. 210.

THE Secretary to the Cabinet presents his compliments to the Secretary-General of the League of Nations and, with reference to Mons. Attolico's letter of the 15th ultimo,|| is directed to inform him that after discussion with the Government of the Commonwealth of Australia, the Right Honourable Sir Joseph Cook, G.C.M.G., High Commissioner for the Commonwealth Government in London, has been appointed to represent the British Empire before the Permanent Mandates Commission, when the reports on the administration of Nauru are discussed at the forthcoming meeting.

31st July, 1922.

* No. 207. † L.F., not printed; it enclosed a copy of No. 207. ‡ No. 208. § No. 209. || Not printed: its purport is stated in No. 207.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 373.)

MY LORD,

Downing Street, 20th October, 1922.

WITH reference to previous correspondence on the subject of the annual report on the administration of Nauru, I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a letter from the President of the Council of the League of Nations enclosing the Report of the Permanent Mandates Commission and other documents dealing with the administration of Mandated Territories.

2. It will be observed that there are references to Nauru on pages 3 and 4 of the Report of the Permanent Mandates Commission (C.550, M.332) and pages 4 to 6 of their Observations (C.551, M.333).

3. The Report of the Commission was considered by a Sub-Committee of the Sixth Committee of the Third Assembly, on which Mr. Justice Rich and Sir Francis Bell, the Attorney-General of New Zealand, served. As a result, the Sixth Committee presented to the Assembly a Report with an annexed statement by Mr. Justice Rich as to Nauru (A.72), of which a copy is enclosed.* After a debate on the Report, the Assembly passed the Resolutions, of which a copy is enclosed (A.105).*

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 211.

GENEVA.

SIR,

League of Nations, 20th September, 1922.

IN accordance with the decision of the Council of the League of Nations, I have the honour to transmit to you the following documents† :—

- (i) The Report‡ of the Permanent Mandates Commission with Annexes.§
- (ii) The Report¶ presented by the Italian Representative, the conclusions of which were unanimously adopted by the Council at its meeting on 4th September, 1922.
- (iii) An extract from the Minutes¶ of the meeting of the Council on the above date.

You will note that the Report of the Italian Representative concludes by the three following resolutions :—

The Council of the League of Nations, having examined the Report on the second session of the Permanent Mandates Commission, and the documents annexed thereto,

(1) Desires to thank the Permanent Mandates Commission for the great zeal and admirable impartiality which it has displayed;

(2) Instructs the President of the Council to transmit to the Mandatory Powers, on its behalf, the Recommendations expressed in the Report and in the annexed documents, with the request that they will be good enough to carry out these Recommendations;

(3) Instructs the President of the Council to transmit for the information of the Belgian and British Governments the observations of the Commission with reference to the situation on the frontier of Ruanda, under Belgian Mandate, and British Tanganyika.

IN accordance with the decision of the Council, I have the honour to draw the attention of His Majesty's Government to the request made in the second of the above Resolutions, and to express the hope that it may be taken into favourable consideration.

The observations referred to in Resolution 3 above mentioned are forwarded for the information of His Majesty's Government.

I have, &c.,

D. DA GAMA,

President of the Council.

The Rt. Hon. D. Lloyd George, O.M., M.P.

* Not printed. † Not printed here. ‡ C.550, M.332. § C.551, M.333; C.552, M.334; C.554, M.336; C.553, M.335. ¶ A.40 (C.578). ¶ A.36 (C.548, M.330), P.V.6.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 218.)

MY LORD,

Downing Street, 20th October, 1922.

I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a despatch to the Governor-General of the Commonwealth of Australia* regarding the Report of the Permanent Mandates Commission of the League of Nations on the administration of Mandated Territories.

I have, &c.,

WINSTON S. CHURCHILL.

Attached to 47493

No. 213.

MEMORANDUM ON DISCUSSION OF REPORT ON NAURU BY THE PERMANENT MANDATES COMMISSION.

(Prepared in the Colonial Office, January, 1923.)

The Report of the Permanent Mandates Commission asked for information in future reports on two points :—

(1) *The presence in Nauru (as in the other Pacific Islands administered under mandate) of labour imported from various overseas countries and particularly from China.*† They pointed out that the position of a Chinese coolie, necessarily recruited under a long period contract, called for the greatest care on the part of the Mandatory, and further that the presence of exclusively male labour involved elements of danger. They expressed the desire that the Mandatory Powers would be good enough in future reports to supply all relevant information on the subject.

Both Sir J. Cook and Mr. Justice Rich alluded to this matter in their speeches at the Assembly on the Mandates question.‡ Sir J. Cook explained that Chinese labour was necessary as the Nauruans were unable and unwilling to do the heavy work on the Island. Mr. Rich added the further information that the Administration was merely continuing the practice of the Pacific Phosphate Company in employing Chinese, and that "we hope that in the near future their employment will be discontinued altogether."

Mr. Hughes' statement to the House of Representatives of the 8th September (Commonwealth Parliamentary Paper No. 47 of 1922) also alluded to the question of Chinese labour, and dealt with the measures taken for the care of the labourers.

(2) *The position of the Phosphate Commissioners.* On page 5 of their Report§ the Mandates Commission remarked that the powers of the Phosphate Commissioners "appear to be unlimited as regards everything relating to the undertaking which they manage. It is not clear what powers and means of control the Australian administration possesses with regard to this organization." They therefore expressed the desire that future annual reports of the Mandatory Power should contain information which would enlighten them further. They also dealt with the matter on page 5 of their Observations.||

The position in this respect was very clearly explained in the statement by Mr. Justice Rich annexed to the Report of the Sixth Committee¶ of the Assembly on Mandates. The question was also referred to on page 3 of Sir J. Cook's comments** on the Observations of the Commission. In the course of the discussion in the Assembly,†† Mme. Bugge-Wicksell, a member of the Mandates Commission, said that Sir J. Cook's statement "as far as I understand, is exactly the explanation which the Commission wanted in order to set our minds at rest upon this point."

The Mandates Commission in their Observations|| referred to three other points of general interest.

* No. 211. † Page 3 of Report: C.550, M.332 in 44971/22. ‡ Pages 14-16 of Verbatim Reports, 12th Meeting. § C.550, M.332. || C.551, M.333. ¶ Page 2 of A.72. ** C.552, M.334. †† Page 18 of Verbatim Reports, 11th Meeting.

(3) They desired to know the *probable duration of the exploitation of known deposits of phosphates* and also what area proportionate to the whole will have been affected by that exploitation when the deposits are exhausted.

Sir J. Cook on page 4 of his Comments* supplied the desired statistics. He estimated that the deposits, at present rate of production, would last at least 400 years.

(4) They said that they would be particularly glad to find in a later report an explanation of the measures taken by the Nauru Administration to ensure not only the present welfare of the natives but also *the development of the population*.

Sir J. Cook dealt briefly with this point in his Comments* (page 4), where he said that the Administration pays special attention to public health, as is shown by the relevant Ordinances.

(5) The Commission finally desired to know whether *the establishment by the three Governments of a State organization enjoying the sole rights of development of the only natural resources of the area* is fully in keeping—although no formal provision under the Regulations for C Mandates forbids it—with the disinterested spirit which should characterize the mission of a Mandatory State.

Sir J. Cook dealt with this at the bottom of page 4 of his Comments,* pointing out that the three Governments had merely acquired an existing monopoly. The Report of the Sixth Committee† emphasized the same point. Sir J. Cook before the Assembly‡ pointed out how well off the natives were under the new régime. Mr. Hughes dealt with the same point in his statement.

The Commission in their Observations§ mentioned a number of points of detail on which further information and statistics were required. These related to permits for the possession of arms and alcohol, missionaries, police, public health, land tenure, and finance (pp. 5 and 6).

On page 5 of his Comments,* Sir J. Cook promised that these further particulars and statistics would be incorporated in detail in the next annual report.

(4) Western Samoa: Preferential Tariff.

45918

No. 214.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 9th February, 1922.

I AM directed by Mr. Secretary Churchill to request you to inform the Marquess Curzon of Kedleston that he has had under consideration your letter of the 12th September, 1921,|| regarding the introduction of a tariff into Western Samoa giving preference to imports from the British Empire.

2. The general question raised by paragraph 3 of your letter as to the application to Territories administered under "C" Mandates of Treaties which apply to the territory of the Mandatory forms the subject of a separate letter¶ of even date.

3. As regards the particular question of the Western Samoan tariff, Mr. Churchill concurs in Lord Curzon's view that it would be very difficult to resist the contention of the United States Government that the rights of the United States under the Treaty of 1899 are not extinguished as a result of the Treaty of Versailles; he would propose, however, to defer a reply to the Governor-General's despatch of 13th June** until he has received a further expression of Lord Curzon's views on the general question.

I am, &c.,

C. T. DAVIS.

* C.552, M.334. † A.72. ‡ Page 16 of Verbatim Reports, 12th Meeting. § C.551, M.333.
|| No. 166 in Dominions No. 81. ¶ No. 202. ** No. 164 in Dominions No. 81.

20990

No. 215.

MEMORANDUM ON THE TREATY RIGHTS OF THE UNITED STATES GOVERNMENT IN SAMOA.

THE recommendation in paragraph 11 of the First Report of the Treaty Revision Committee, that multilateral treaties, all the parties to which were belligerents, should be regarded as terminated as between all parties concerned by the War, was made, "subject to the concurrence of the Allies." The last sentence of the second sub-paragraph of paragraph 51 of the Committee's Final Report was intended to indicate the doubt felt by the Committee whether the concurrence of the United States Government would be obtained for the application of the above recommendation to the Treaty of the 2nd December, 1899, relating to Samoa.

The recommendation was in actual fact not adopted in the Treaty of Versailles, and the only article which deals with multilateral Treaties, viz., No. 282, refers merely to the Treaty position as between Germany on the one hand and the Allied and Associated Powers on the other, and accordingly does not affect the position in relation to the 1899 Treaty as between Great Britain and the United States. The wording of Article 288, which refers specifically to the "special rights and privileges granted to Germany," indicates that the 1899 Treaty is to be regarded as still subsisting as between Great Britain and the United States.

The contention of the United States Government in this respect need not be considered with reference to their general attitude on the question of the grant of most-favoured-nation treatment in all territories administered under C Mandates (as set out in the Memorandum from the United States Ambassador of the 24th August, 1921*), and could be accepted without impairing the amplitude of the powers of New Zealand under the Mandate for Samoa, since it is based on special Treaty rights. Admission of the correctness of the United States contention would not involve the keeping alive of the obligation of Germany under the 1899 Treaty, but would simply be a recognition that the undertaking given by Great Britain in that Treaty in respect of all the islands of the Samoan group is still in force.

Colonial Office,

June, 1922.

26618

No. 216.

MR. C. T. DAVIS to SIR F. H. D. BELL, K.C.M.G., K.C.

[Answered by No. 217.]

DEAR SIR FRANCIS BELL,

Downing Street, 8th June, 1922.

YOU will remember my mentioning to you the claim of the United States Government to national treatment under the Convention of 1899 relating to Samoa. I enclose copies of correspondence with the Governor-General† on the subject and a copy of the Convention.‡

Consideration of the question was postponed for a time pending the outcome of the discussion proceeding with the United States Government on the general question of Mandates, but the United States Government are now pressing for a reply to their representations on this particular question. I enclose a memorandum§ on the subject, the substance of which it is proposed to telegraph to New Zealand in explanation of the view that the contention of the United States cannot be successfully resisted, but I understood you to say that you would like to see it first. I should be glad to know at your early convenience what you think of it.

Yours, &c.,

C. T. DAVIS

* Enclosure in No. 159 in Dominions No. 81. † Nos. 163 and 164 in Dominions No. 81.
‡ Treaty Series, 1900, No. 8. § No. 215.

27951

No. 217.

MEMORANDUM TO THE COLONIAL OFFICE FROM THE ATTORNEY-GENERAL FOR NEW ZEALAND.

4, Whitehall Court, S.W.1, 10th June, 1922.

*Western Samoa Customs Duty.**United States of America Protest.*

I REFER to Mr. Davis's letter to me of the 8th instant,* and to the papers covered by that letter, and have to acknowledge the courtesy of the communication to me of the Memorandum to New Zealand on the above subject, the substance of which Mr. Davis's letter informs me it is proposed to telegraph to the Governor-General.

It will be observed that the Memorandum of 4th June, 1921,† a printed copy of which is among the papers sent me, was written by myself when Acting Prime Minister of New Zealand, and having then authority to speak for the Government of New Zealand. For that special reason, I preface this present Memorandum by a statement that what I now write expresses my personal view as principal Law Officer of the Crown for the Dominion Mandatory, but that I have not now authority to express the views of the Government of New Zealand, nor to bind that Government by anything I may write or say.

(1) I think I may still assure the Imperial Government that New Zealand will act in this and in all matters in the spirit of the fifth paragraph of my Memorandum of the 4th June, 1921. But it will be a great disappointment to New Zealand if it is found that we are unable to carry out in Samoa the policy of preference to English trade which in our own Dominion we have adopted for so many years, and perhaps I may respectfully add an expression of hope that the Imperial Government will not be influenced in this matter by its own policy of ignoring and deprecating the policy of preference, and bar our doors, as it has barred its own, to the considerations which have influenced us.

(2) The general protest of the United States against the adoption of preference to English trade in any mandated territory, must not be allowed to enter into the consideration of the present question. For with regard to that general protest all the Dominions are united in their contention that the United States, who have rejected the League, have no right whatever to claim rights under the constitution of the League. Upon that general protest I am satisfied that New Zealand will not admit that it is bound by any opinion of the Law Officers of the Crown in England. I am satisfied that the New Zealand Government will confirm and adhere to my present statement that, if the general protest is to receive consideration, that consideration must be by an Imperial Conference and not by the Imperial Government.

(3) Apart altogether from the general protest relating to all mandated territories, the United States Government raises a separate and special protest in regard to Western Samoa, of which New Zealand is Mandatory, founded upon the Convention of 2nd December, 1899.‡ I think personally that the interpretation of that Convention, and of its effect as continuing since the surrender by Germany, and the acceptance by New Zealand from His Majesty, of the Mandate of the League, must necessarily be that which is laid down by the Law Officers of the Crown in England. For the Imperial Government, and not New Zealand, made that Convention before New Zealand had any interest in the Government of Samoa, and if the Imperial Government is advised by its Law Officers that the conditions of that Convention continue, I think the Imperial Government is entitled to admit the claim of the American Government, and that the New Zealand Government as Mandatory is necessarily bound by that admission.

(4) But, as will be seen from my own Memorandum of June, 1921,† the New Zealand Government, and its legal advisers, do not agree with the view which the Imperial Government now intimates that it holds, and I can only hope that due weight has been given by the Law Officers of the Crown in England to the contentions of that Memorandum.

(5) I proceed now, however, upon the assumption that the Imperial Government is satisfied that under the Convention of 1899, preference to English trade in

* No. 216. † Enclosure in No. 164 in Dominions No. 81. ‡ Treaty Series, 1900, No. 8.

102

Western Samoa is prohibited, and that it would not be honourable for the Mandatory to exercise its legal powers in contravention of that Treaty. As I have said, I am satisfied that New Zealand will respect and follow the interpretation of the English Government just as much with regard to honourable obligations as it necessarily would with regard to legal obligations.

(6) But upon that assumption I ask, and I am confident that the New Zealand Government will support my request, that before any such admission is made to the American Government by the Imperial Government, the American Government should be asked to *expressly* define its own position with regard to American Samoa, and especially with regard to its port of Tutuila. I say *expressly* because it ought to be so laid down as that there shall be no possibility of subsequent misunderstandings.

(7) By American law, goods and passengers from one American port to another can only be carried in American ships. When America annexed the Hawaiian Group, Honolulu ceased to be a port open to our New Zealand trade between those islands and San Francisco. Our ships were not allowed to carry goods or passengers, and our San Francisco mail route could no longer use Honolulu usefully as a port of call. It is now used only for our Vancouver Mail Service.

(8) The statement by America that no preference will be granted to American trade in American Samoa by reason of the Convention of 1899 is wholly insufficient. As pointed out in my Memorandum of June, 1921, it is practically a gift of nothing, since British trade there is negligible. Nor is that concession a concession by America of any principle.

(9) Tutuila is by far the best port in that part of the Pacific. It is immensely superior to Apia. It may become an important port of call between New Zealand and San Francisco or other United States ports on the Western coast.

(10) Does America admit in express terms that Tutuila is not like Honolulu, and that British ships may carry goods and passengers from any American port to Tutuila? That is the question which I respectfully ask the Imperial Government to submit to the American Government before any admission is made as to the effect of the Convention of 1899 upon the rights of the Mandatory.

Article III of the Convention of 1899 is very difficult to construe, but if (as I do not agree) its terms do exclude preference to British trade in British Samoa, it is absolutely certain that those terms must necessarily exclude the restriction of Tutuila trade with America to American ships, and I sincerely trust that the interpretation of Article III as affecting the American trade question, shall be arrived at before Great Britain accepts any interpretation affecting British trade.

F. H. D. BELL.

Attorney-General for New Zealand.

27951

No. 218.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 15th June, 1922.

WITH reference to your letter of the 8th of June,* regarding the representations of the Government of the United States of America on the subject of the Western Samoan preferential tariff, I am directed by Mr. Secretary Churchill to transmit to you, to be laid before the Earl of Balfour, a copy of a letter† to Sir Francis Bell, K.C.M.G., the Attorney-General of New Zealand, together with a copy of a memorandum‡ which he has furnished in reply.

2. In the circumstances, it would appear advisable, before any communication is made to the Government of New Zealand, to obtain the opinion of the Law Officers of the Crown, both as to the correctness of the United States contentions regarding the Western Samoan preferential tariff, and as to the point raised in paragraphs 6 to 10 of Sir F. Bell's memorandum.

3. Mr. Churchill would therefore be glad to learn whether Lord Balfour could cause arrangements to be made for these matters to be referred to the Law Officers for their opinion. If so, he would be glad to see the draft of the case which it is proposed to submit.

* 27468; not printed; it expressed concurrence in the terms of No. 215. † No. 216. ‡ No. 217.

4. I am to add, as bearing upon the point raised in paragraphs 6 to 10 of Sir F. Bell's memorandum, that it appears from the volume on Colonial Tariff Policies recently issued by the United States Tariff Commission (page 616), that the United States Merchant Marine Act of the 5th of July, 1920, provided for the application to Samoa, as an island territory or possession of the United States, of the laws restricting trade between United States ports to vessels of United States registry.

I am, &c.,

C. T. DAVIS.

34077

No. 219.

FOREIGN OFFICE to LAW OFFICERS AND LAW OFFICERS' REPORT.

GENTLEMEN,

Foreign Office, S.W.1, 12th July, 1922.

I HAVE the honour, by direction of the Earl of Balfour, to lay before you, for your consideration, the papers noted on the accompanying list, respecting the question whether the Government of New Zealand is entitled, in view of existing treaty rights, to extend to Western Samoa the Dominion tariff, under which preference is given to goods of Imperial origin, and whether the United States Government is entitled to restrict to United States merchant vessels the trade between Tutuila and United States ports.

2. In 1899 an agreement* (paper A) was entered into between the United States, Germany and Great Britain, Article III. of which provides that the "signatory powers shall continue to enjoy, in respect of their commerce and commercial vessels, in all islands of the Samoan group, privileges and conditions equal to those enjoyed by the sovereign power in all ports which may be open to the commerce of either of them."

3. Article 288 of the Treaty of Versailles provides that "the special rights and privileges granted to Germany by Article III. of the Convention of 2nd December, 1899, relating to Samoa, shall be considered to have terminated on 4th August, 1914." The provisions of this Article of the 1899 Treaty are thus clearly terminated as far as Germany is concerned, and the German possessions in Samoa are now administered by New Zealand under mandate (paper B),† the New Zealand Government having applied the New Zealand preferential tariff system to this mandated area.

4. At the end of 1920, the United States Embassy in London, acting on instructions from the United States Government, communicated to Lord Curzon a memorandum‡ (paper C) maintaining that the Convention of 1899 was still in effect as far as Great Britain and the United States were concerned, and that any discrimination against imports from the United States would be a violation of Article III. of that Convention. It appeared difficult to dispute the view taken by the United States Government that the Treaty of 1899 was operative, and, as a result of communications with the Colonial Office, a despatch§ (paper D) was addressed to the Governor-General of New Zealand indicating this view.

5. The New Zealand Government were, however, of opinion that they were within their legal rights in establishing a preferential tariff in Western Samoa, the ground for this opinion being set forth in a memorandum from the Acting Prime Minister, dated 4th June, 1921|| (paper E); and since the date of this communication the United States Government have again indicated their view that the introduction of the preferential tariff is contrary to the rights still enjoyed by them under the Treaty of 1899, though no further arguments on the point were advanced. Advantage has, however, been taken of the presence in this country of Sir Francis Bell, the Attorney-General for New Zealand, to discuss the matter with him, and a memorandum¶ prepared by him on the subject is enclosed (paper F). It may be added, as bearing upon the point raised by Sir Francis Bell in paragraphs 6 and 10 of this memorandum that it appears from the volume of Colonial Tariff Policies recently issued by the United States Tariff Commissioners, page 616, that the United States Merchant Marine Act of the 5th of July, 1920, provided for the

* Treaty Series, 1900, No. 8. † [Cmd. 1203.] ‡ Enclosure in No. 163 in Dominions No. 81.
§ No. 163 in Dominions No. 81. || Enclosure in No. 164 in Dominions No. 81. ¶ No. 217.

application to Samoa, as an island territory or possession of the United States, of the laws restricting trade between United States ports to vessels of United States registry (Paper G).

6. Sir Francis Bell produces no new arguments wherewith to combat the contention of the United States Government to the effect that the Treaty of 1899 is still operative as between Great Britain and the United States, and that its effect must be to prevent the introduction of a preferential tariff in Western Samoa. On the other hand, he shows good grounds for holding that Article III. of the Convention must also prevent the United States Government from extending to United States ships any preference at Tutuila. In connexion with this latter point, I am to observe that in 1911 it was alleged that the United States authorities had exercised some discrimination against British ships trading between Pago Pago and Leone, in Tutuila. Inquiries were made of the United States Government, who stated that Leone was not a port of entry, but in the course of the correspondence which took place at that time, the United States Government admitted that British ships were entitled to the same treatment as United States and German ships in this respect (papers H, J and K). In the same year a complaint was also made by a British firm that bills of health were being issued gratis by the United States Consul at Apia to United States vessels trading between Apia and Pago Pago (Tutuila), while a charge was made for similar bills of health issued to British vessels trading on the same route. This complaint being brought to the notice of the United States Government, it was decided by the State Department in 1913 that the exaction of fees from British vessels, while United States vessels were exempt, was contrary to Article III. of the Treaty of 1899, and instructions were accordingly given for the collection of such fees to be discontinued (papers L and M). The United States authorities were thus in 1913 of opinion that the Treaty prevented preference in this respect being given to United States ships trading with American Samoa.

7. I am now directed by Lord Balfour to request that you will be good enough to favour him with your opinion generally, and, in particular, on the following questions:—

(1) Is Article III. of the Treaty of 2nd December, 1899, still in force as between the United States and the British Empire?

(2) If so, is it possible to support the claim of the New Zealand Government to establish a preferential tariff in Western Samoa, from the benefits of which the United States would be excluded?

(3) If the Treaty is still in force, is His Majesty's Government entitled to claim thereunder that the United States Government may not introduce any system of preference for United States shipping trading to Tutuila, and especially may not assimilate Tutuila to those overseas possessions of the United States, the trade between which and the mainland ports of the United States is confined to United States vessels?

I have, &c.,

R. SPERLING.

LIST OF PAPERS.

- A. Convention between the United Kingdom, Germany and the United States, 2nd December, 1899.
- B. Mandate for German Samoa.
- C. United States Embassy memorandum, 18th November, 1920.
- D. Secretary of State for the Colonies to Governor-General of New Zealand, 3rd January, 1921.
- E. Prime Minister of New Zealand to Governor-General of New Zealand, 4th June, 1921.
- F. Memorandum by Sir F. Bell, 10th June, 1922.
- G. Extract from Colonial Tariff Policies, page 616.
- H. Despatch to His Majesty's Ambassador at Washington, No. 76 Commercial, 9th June, 1911, with enclosures.
- J. Department of State, Washington, to His Majesty's Ambassador, Washington, 5th February, 1912.
- K. Governor of American Samoa to Secretary of the Navy, Washington, 26th March, 1912.

- L. Samoa Shipping and Trading Company to United States Consul, Apia, 23rd November, 1911.
 M. Department of State, Washington, to His Majesty's Ambassador at Washington, 15th October, 1913.

41015

REPORT.

We have taken the matter into our consideration, and in obedience to Your Lordship's commands have the honour to report:—

That (1) We are of opinion that Article III of the Convention of 2nd December, 1899, is still in force as between the United States and the British Empire.

(2) In our opinion, No.

The construction of Article III is not free from difficulty. We think that its true effect is to impose upon His Majesty the obligation to accord to the United States in respect of its commerce and commercial vessels in all islands of the Samoan Group, in which it lies within his power to do so, equal privileges to those enjoyed by British commerce and commercial vessels in those ports of the Samoan Group which are under British Sovereignty.

This obligation is binding upon the New Zealand Government as representing His Majesty, and precludes that Government from contravening Article III in any part of the Samoan Group which is under its authority, from whatever source derived.

(3) In our opinion, Yes.

ERNEST M. POLLOCK,
 LESLIE SCOTT.

Law Officers' Department,
 Royal Courts of Justice,
 4th August, 1922.

43806

No. 220.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.30 p.m., 16th September, 1922.)

TELEGRAM.

[Answered by No. 222.]

YOUR despatch 13th June, 1921, Confidential.* Further consideration of question raised by Government of United States of America as to Article 3 of 1899 Treaty was postponed on account of attitude of United States on general question of C Mandates, but as Government of United States have been pressing for reply on Treaty point His Majesty's Government would be glad to be able to deal with matter at early date.

General representations of United States as to their treatment in C Mandate territories, as to which see my telegram 30th August,† cannot be answered pending result of consultation with all Dominions concerned. But United States claim under 1899 Treaty, though mentioned in the general representations, is special and separate matter primarily affecting New Zealand, and reply can be settled independently of general discussion. Law Officers of the Crown here have been consulted on questions (1) whether Article 3 of Treaty should be regarded as still in force as between Great Britain and United States. (2) If so, whether establishment by New Zealand of preferential tariff in Western Samoa from benefits of which United States excluded is in accordance with Article 3. (3) Whether

* No. 164 in Dominions No. 81.

† No. 197.

Article 3 if still in force debars United States Government from any system of preference for United States shipping trading Tutuila. Law Officers have advised Article 3 Treaty still in force, and accordingly that any tariff discrimination as between British and United States goods in Western Samoa seems precluded, but that Treaty equally precludes preference for United States shipping trading Tutuila. In view of Law Officers advice best course appears to be to inform Government of United States that Government of New Zealand prepared to extend any preferential tariff in Western Samoa to United States goods under 1899 Treaty, but that in opinion of New Zealand Government and His Majesty's Government Treaty equally prevents any system of preference for United States vessels in Tutuila and especially precludes United States Government from confining trade between United States and Tutuila to United States vessels, and that proposed extension of preferential tariff Western Samoa conditional on acceptance of this view by United States Government. Please telegraph whether your Ministers concur.—SECRETARY OF STATE FOR THE COLONIES.

43806

No. 221.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.35 p.m., 16th September, 1922.)

TELEGRAM.

[Answered by No. 222.]

My telegram of 16th September,* Western Samoa, has been shown to Bell, who himself raised question of preference to United States shipping in Tutuila. Memorandum† by Bell, of which copy has been sent by him to your Prime Minister, was amongst papers submitted to Law Officers of the Crown. Points mentioned in paragraph 3 of his memorandum enclosed in your despatch 13th June, 1921, Confidential,‡ were dealt with in a Colonial Office memorandum§ of which also copy sent by Bell to your Prime Minister. Bell has now expressed desire that your Prime Minister should be informed that the course advised in last paragraph of my telegram of 16th September is that which he himself recommends New Zealand Government to agree to.—SECRETARY OF STATE FOR THE COLONIES.

54908

No. 222.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.0 a.m., 6th November, 1922.)

TELEGRAM.

6TH NOVEMBER. Your telegram 16th September.* Government of New Zealand desires to consult with Sir Francis Bell who will arrive shortly before coming to decision on question raised by the Government of United States as to the 1899 Treaty.—JELlicoe.

Note.—No further communication on the subject had been received from the New Zealand Government up to the end of 1922.

* No. 220.

† No. 217.

‡ No. 164 in Dominions No. 81.

§ No. 215.

(5) Nationality of Inhabitants of "B" and "C" Mandated Territories.

59236

No. 223.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.

Confidential.)

[MY LORD,] [SIR,]

Downing Street, 17th January, 1922.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] to be laid before your Ministers, a copy of the minutes of a meeting between the members of the Sub-Committee of the Permanent Mandates Commission, who recently visited this country, and representatives of the Foreign Office, the Home Office and the Colonial Office, which was held at the Colonial Office on the 23rd November, 1921.

2. It will be seen that the question discussed related to the nationality and naturalization of the inhabitants of territories which are to be administered by His Majesty's Government under "B" Mandates.

A copy of the memorandum upon which the discussion was based is also enclosed.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 223.

MINUTES OF A MEETING HELD AT THE COLONIAL OFFICE AT 12.0 NOON,
23RD NOVEMBER, 1921.

Present:

Honourable E. F. L. Wood, M.P., Parliamentary Under-Secretary of State
for the Colonies (in the Chair).

Marchese Theodoli

Mons. D. d'Andrade

Honourable W. Ormsby-Gore, M.P.

Sub-Committee Permanent
Mandates Commission.

Mons. W. Rappard, Director, Mandates Section, League of Nations
Secretariat.

Sir H. Read, Colonial Office.

Sir C. Hurst

Mr. G. A. Mounsey

Foreign Office.

Sir J. Pedder

Mr. O. F. Dowson

Home Office.

Mr. J. S. Risley

Mr. C. Strachey

Mr. W. D. Ellis

Mr. A. J. Harding

Mr. E. J. Harding

Colonial Office.

Mr. E. A. Simson

Mr. M. E. Antrobus

as Secretaries.

Mr. Wood, in opening the proceedings, welcomed the Sub-Committee of the Permanent Mandates Commission on behalf of the Colonial Office, and dwelt on the important step in the progress of international relations that was marked by the introduction of the mandatory system. He assured the Sub-Committee that His Majesty's Government would do all in their power to help them in their task. He pointed out that "A" and "C" Mandates were being dealt with separately, and suggested that on the present occasion discussion should be confined to the "B" Mandates. He put forward as the basis of discussion a Memorandum (copy attached*), which had been prepared embodying the views of His Majesty's Government on the particular points which he understood the Sub-Committee desired to

* Enclosure 2.

discuss. He added that in defining the attitude and policy of His Majesty's Government on these points there was naturally no intention of dictating an interpretation.

MARCHESE THEODOLI, replying in French, expressed his appreciation of the assistance and welcome which was accorded to the Sub-Committee on all sides. There were considerable difficulties in launching the mandatory system, which was an entirely new departure in international law. The object of the present tour of the Sub-Committee was to ascertain, on behalf of the Permanent Mandates Commission, the views of the various Governments concerned, in order that they might present to the Council of the League a complete picture of the situation. He quoted as an example of the wide divergence of opinion existing at present, the attitude of the French Government, who were unwilling to make any former German citizen in mandated territory a French subject, and the attitude of the South African authorities, who, he understood, desired the wholesale naturalization of former German citizens in South-West Africa.

MONS. RAPPARD referred to the Memorandum which had been prepared, and said that it contained exactly the information which it was desired to obtain. It was an obvious expression of common sense, and as far as he was concerned it was impossible to arrive at conclusions much different. The policy outlined was perfectly clear and logical and, so far as his personal opinion went, he thought the conclusions of His Majesty's Government would be acceptable to the League.

MR. ORMSBY-GORE asked whether they might report to the League that there were no Germans remaining in territories mandated to Great Britain under "B" mandates. He was informed that this was substantially correct, though there might still be two or three persons of German nationality in Tanganyika Territory; it was further pointed out that any such persons who might remain did not lose their German nationality by reason of the Mandate.

MR. ORMSBY-GORE, speaking of the German inhabitants of mandated territories, stated that the view had been suggested to the Sub-Committee (by Sir Edgar Walton) that when Germany ceded her colonies under the Treaty of Versailles, these inhabitants *ipso facto* gave up their German nationality.

SIR C. HURST explained that when a territory was transferred from one power to another the normal procedure in international practice was that the instrument of transfer contained provision for the change of nationality of the inhabitants. He drew a distinction between the loss of the old nationality and the acquisition of the new. Germany had transferred her colonies to the Principal Allied and Associated Powers; accordingly, the utmost that could have happened was the loss of German nationality, as there was no joint Allied nationality which the inhabitants of the areas transferred could acquire.

MR. ORMSBY-GORE asked a question regarding the status of Indians in Tanganyika Territory. The reply was that under the provisions of the Imperial British Nationality and Status of Aliens Act, 1914 (4 & 5 Geo. 5, Cap. 17), if they were born in British India, they would retain their British nationality, and that their descendants of the first generation (and, also, of the second generation, if born before 1st January, 1915), would be British subjects.

There was some general discussion as to the difference in the rights possessed by the native inhabitants of a British Protectorate (i.e., British protected persons), and the inhabitants of a British Colony (i.e., British subjects). It was agreed that whatever distinction there might be in theory, there was in practice none of practical importance. It was further stated that there was no administrative objection to the inhabitants of a British mandated territory being treated as British protected persons.

MARCHESE THEODOLI observed that the position appeared to be that the inhabitant of a British mandated territory had in that territory the status of a national of that territory, if such nationality existed or were to be defined, but outside the territory, that of a British protected person.

MONSIEUR RAPPARD asked whether the phrase "European inhabitants" in the Memorandum was intended to be interpreted strictly and to exclude Asiatics or Americans. It was pointed out that it was an antithesis to "native inhabitants" and meant "non-native inhabitants."

MR. ORMSBY-GORE was informed in reply to a question that as far as the British mandates were concerned, Arabs resident in the territory would be regarded as natives.

This completed the questions that the Sub-Committee desired to put. In conclusion, Mr. Wood promised that, if any further questions arose on which information was desired, every assistance would be given by the Colonial Office.

Enclosure 2 in No. 223.

NATIONALITY OF INHABITANTS OF MANDATED TERRITORIES.

Memorandum by the British Government.

It is not proposed to discuss in the present Conference the question of "A" mandates, which stand on a special footing. The "C" mandates are being discussed by the Commission with the High Commissioners for the Dominions concerned, and the present discussion is therefore limited to the "B" mandates.

As regards "B" mandates, it is submitted that:—

(a) The Mandate does not in itself affect the nationality of the inhabitants of the territory mandated.

(b) The special conditions relating to administration as an integral part of the Mandatory's territory where they occur should not affect the nationality of European inhabitants of the mandated territory.

(c) The nationality of the Native inhabitants also of such territory remains unaffected by the special conditions referred to above. In this connexion it may be pointed out that under Article 127 of the Treaty of Versailles such natives are entitled to diplomatic protection by the Mandatory Power, and that under the Foreign Office Consular Instructions, natives of territories under British mandates are already being treated as British protected persons. The treatment of these natives as British protected persons does not, of course, confer upon them British nationality.

Naturalization.

As regards the naturalization of Europeans in territories under British administration subject to "B" Mandates, it appears that in the present state of British legislation such naturalization could in any case only be local in character, and not Imperial, and, as there are great administrative objections to the multiplication of local naturalizations within the Empire, it seems that at any rate in the case of these territories there should be no naturalization of Europeans as British subjects. It should be pointed out, however, that these territories differ, for instance, from the former territory of German South-West Africa in the fact that practically all ex-enemy subjects have been removed from them.

The question of the naturalization of the native inhabitants as British subjects is not likely to arise in the case of the territories subject to "B" Mandates under British administration.

19671

No. 224.

OFFICES OF THE CABINET to COLONIAL OFFICE.

(Received 26th April, 1922.)

[Answered by No. 229.]

THE Secretary to the Cabinet presents his compliments to the Under-Secretary of State for the Colonies, and begs to refer to the paper communicated by the Secretary-General of the League of Nations on the subject of a Report submitted to the Council of the League of Nations on the question of the Nationality of the Inhabitants of "B" and "C" Mandated Areas (C. 54) (a) M. 45), a copy of which was sent to the Colonial Office on the 14th March last.*

As this question is on the agenda for the next meeting of the Council of the League of Nations which commences on the 10th or 12th May next, it is requested that the views of the Colonial Office as to the attitude to be adopted by the British Representative on the Council when the matter is discussed, may be furnished as soon as possible, and in any event not later than the 1st proximo.

(A similar communication is being addressed to the Foreign Office.)

25th April.

19671

No. 225.

COLONIAL OFFICE to THE HIGH COMMISSIONER FOR NEW ZEALAND.

[Answered by No. 227.]

SIR,

Downing Street, 27th April, 1922.

I AM directed by Mr. Secretary Churchill to request you to inform the High Commissioner that he understands that the Council of the League of Nations proposes to discuss at its next meeting (which begins on 10th May or 12th May) the Report of the Sub-Committee of the Permanent Mandates Commission on the Nationality of the Inhabitants of "B" and "C" Mandated Areas.

2. It would seem desirable that the British Representative on the Council should be in a position to communicate to it the views, not only of His Majesty's Government, but also of the Dominion Governments concerned, upon the Report of the Sub-Committee, and Mr. Churchill desires me to inquire whether the High Commissioner can let him know whether the New Zealand Government has any observations upon the Report of the Sub-Committee so far as it affects Samoa. An advance copy of the Report* is enclosed for reference.

I am, &c.,

C. T. DAVIS.

19671

No. 226.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.20 p.m., 27th April, 1922.)

TELEGRAM.

[Answered by No. 230.]

(Paraphrase.)

"B" and "C" mandated areas. The question of the nationality of the inhabitants of these areas is on the agenda for the next meeting of the League of Nations Council, which begins on 10th May or 12th May. Please telegraph as soon as possible whether your Ministers desire that any special views as regards New Guinea should be put forward by the British Representative. League of Nations paper C. 54 (a), M. 45, contained the Report of the Sub-Committee appointed to collect information on this subject. Please also see my despatch of 17th January, Confidential.†—SECRETARY OF STATE FOR THE COLONIES.

20210

No. 227.

THE HIGH COMMISSIONER FOR NEW ZEALAND to COLONIAL OFFICE.

(Received 29th April, 1922.)

New Zealand Government Offices,

Strand, London, W.C.2, 28th April, 1922.

SIR,

I AM directed by the High Commissioner to acknowledge the receipt of your letter of the 27th instant,‡ enclosing advance copy of the Report of the Sub-Committee of the Permanent Mandates Commission on the nationality of the inhabitants of "B" and "C" Mandated Areas, which is to be considered by the Council of the League at its next meeting.

I am to state that, after the Sub-Committee had visited Sir James Allen, he communicated with his Government in regard to the nationality of the native inhabitants of Western Samoa, and the suggested naturalization of natives and others. The reply which has just come to hand encloses copy of an opinion furnished on the 11th May, 1920, by Sir John Salmond, then Solicitor-General, on the national status of Samoans, and this is enclosed.

* C.54 (a), M.45.

† No. 223.

‡ No. 225.

With regard to the suggested naturalization, the Government states that it is not advisable for the present for the New Zealand Parliament to pass special legislation, even if it had authority to do so, to enable residents of Samoa, either European or Native, to be naturalized as British subjects, but that if, at any time, it should be deemed necessary to seek special authority for this purpose, no discrimination will be made between European and Native inhabitants. On this point I enclose copy of Sir John Salmond's opinion, dated 30th September, 1919.

The Government's reply adds that "this question of status created some difficulty with respect to the issue of passports to inhabitants of Western Samoa who desired to travel abroad. However, this difficulty with respect to passports has been settled, so far as Western Samoa is concerned, by the agreement reached between His Majesty's Government and the League of Nations. In accordance with this agreement, the New Zealand Government has accepted the recommendation of His Majesty's Government that passports be issued to persons, the protection of whose interests abroad has been entrusted to the Dominion by Mandate of the League of Nations."

If you will refer to paragraph 4 of page 6 of the Mandate Commission's report,* you will find a reference by Sir James Allen to naturalization. He omitted at the time to express doubt whether the New Zealand Parliament had authority to pass legislation for the naturalization of the residents of Western Samoa.

I am, &c.,

C. KNOWLES,

for the Secretary to the Department.

Enclosure 1 in No. 227.

National Status of Samoans.

11th May, 1920.

THE natives of Samoa are not British subjects inasmuch as Samoa has not been annexed as part of the British Empire. Its connexion with the Crown cannot be put higher than that of a British Protectorate. The natives of a protectorate are not British subjects; they occupy an anomalous position under the title of British protected persons, and although they are not entitled to the full rights of a British subject they are entitled to British diplomatic protection when in foreign countries. This right is expressly recognized by the Treaty of Peace in respect of the territories under Mandate. The natives of the Cook Islands, on the other hand, are British subjects. There is some practical advantage in retaining this distinction, since it affords the Samoans an additional motive for exercising the right conferred upon them by the Peace Treaty to become incorporated within the British Empire if they so desire. Then, and not until then, will they acquire the full status of British citizenship.

I suggest accordingly that in proper cases applications for naturalization by Samoans permanently resident in New Zealand should be acceded to.

JOHN W. SALMOND,
Solicitor-General.

The Hon.

The Attorney-General.

Enclosure 2 in No. 227.

30th September, 1919.

"THE inhabitants of Samoa cannot be naturalized as British subjects by the New Zealand Government under the Aliens Act, 1908. The authority given by that Act to naturalize aliens is limited to aliens who are resident in New Zealand, and who declare their intention of remaining resident there.

The New Zealand Parliament has no authority to amend the Aliens Act by extending its operation to Samoa. The authority of a Colonial Parliament to legislate with respect to naturalization is a limited delegated authority conferred by section 26 of the British Nationality and Status of Aliens Act, 1914. This section authorizes the Legislature of a British possession to impart to any person any of the privileges of naturalization to be enjoyed by him within the limits of that possession, and provides that any Act so passed shall within those limits have the

* C.54 (a), M.45.

authority of law. Even, therefore, if the New Zealand Parliament provided for the naturalization in New Zealand of the inhabitants of Samoa such naturalization would operate only in New Zealand itself, and the persons so naturalized would still remain aliens in Samoa, just as persons naturalized in New Zealand remain aliens in Australia or in the United Kingdom.

20295

No. 228.

MR. F. H. SARGEANT (HIGH COMMISSIONER FOR THE UNION OF SOUTH AFRICA) to MR. E. J. HARDING (COLONIAL OFFICE).

(Received 1st May, 1922.)

(No. 80.)

MY DEAR HARDING, Trafalgar Square, London, W.C.2, 28th April, 1922.

REFERRING to your telephonic inquiry regarding the question of the nationality of the inhabitants of South-West Africa, I enclose herewith a copy of a memorandum as to a meeting which was held here on the 23rd November last.

I gathered from you that a meeting of the Council of the League of Nations is to be held at Geneva on the 10th May. I have, therefore, written to the High Commissioner at Genoa, sending him a copy of this note (with a copy of its annexure) so that, if he has any special point, he will no doubt write to Lord Balfour at Geneva and forward the letter to Drummond, so that Drummond may hand it to Lord Balfour or to Mr. Fisher, whoever is there.

If there be any further point so far as the Colonial Office is concerned, a cable will, I take it, be necessary, either from the Colonial Office or from the Governor-General, or to General Smuts from the High Commissioner.

Perhaps you will please let me hear from you.

Yours sincerely,

F. H. SARGEANT.

Enclosure in No. 228.

MEMORANDUM.

THE High Commissioner for the Union of South Africa met a Sub-Committee from the Mandates Commission of the League of Nations on Wednesday, the 23rd November. The object of the Deputation was to discuss the question of the nationality of the inhabitants of South-West Africa, and consisted of Marquis Alberto Theodoli, the Honourable W. Ormsby-Gore, M.P., His Excellency M. Freire d'Andrade, and Monsieur Rappard.

The first point raised was the present nationality of those residents who, before the Peace Settlement, were subjects of the German Emperor.

The High Commissioner said that he had communicated with his Government in order to ascertain their views, and that the view they held was that though technically, under International law, it might be held that these people were still German nationals, yet Germany had, in effect, liberated them from any national obligations by renouncing all claim to the territory.

The High Commissioner said that his Government would be grateful for a ruling by the Council of the League in the direction of declaring these people to be non-nationals—which in fact they were—and he pointed out that, if that were done, it would be possible to legislate in the direction of constituting them British subjects, unless within a certain specified time objections were lodged. This course would simplify the administration of the country, would remove all practical difficulties, and confer on these late German nationals all the rights and privileges enjoyed by South African citizens. By such means contentment and prosperity would be assured in the Mandated Territories.

The High Commissioner pointed out that, if this course were not followed, the gravest difficulties would ensue. Unless these German ex-nationals could be dealt with as British subjects, they would remain foreigners, they would make it impossible to establish a system of self-government in the new country, and render the administration a serious problem. The Union of South Africa, of course, had machinery specially adapted for the government of native peoples, and possessed large numbers

of specially trained officials for that duty. The government of white people, however, through officials and without representative institutions, was entirely foreign to the system of free government which the people of South Africa had adopted.

The Deputation made inquiries as to the numbers of ex-Germans in the country, and discussed the question of nationality. They explained that they had no power to give a decision on the points raised themselves, that they would have to report on the matter to the Council of the League of Nations, but, in the meantime, they thought that under International Law there was no doubt that the German residents in that country were still German nationals; and the suggestion was thrown out by Mr. Ormsby-Gore that it might be considered whether these people should not be granted a local nationality to endure for a period and then receive the full citizenship of the Union. It was necessary to remember that the country was mandated and not annexed, and it was doubtful whether annexation would be possible under the provisions of the Peace Treaty even if the ex-German nationals themselves declared for it.

He further pointed out that if these people were made British subjects, they not only participated in the government of their own country, but took a share in the government of part of the British Empire. It was not merely a citizenship in South-West Africa; it was participation in the government of the whole of the Union.

The Marquis Theodoli inquired whether it was intended to introduce legislation at once, and the High Commissioner explained that his Government desired that the Council of the League of Nations should express its views on this point, and it was hoped that the Council would realize how extremely undesirable it was to leave these people in the position of German nationals; that might eventually lead to German intervention and to the creation of a State practically within the Union, although under a Mandate, yet inhabited by a number of people who considered themselves allied to a State which might conceivably become inimical.

The Marquis Theodoli inquired whether the Union Government had taken steps to ascertain the views of these residents themselves, and whether they were anxious to take part in the government of the country.

The High Commissioner explained that he had not been definitely instructed on that point, but, as far as he could gather, it was the wish of the local inhabitants to have the management of their own affairs.

The Marquis Theodoli also pointed out that under German law even if these people became British subjects, they would retain their German nationality.

The ultimate destiny of the country was then discussed generally, and the different aspects of the problem were presented. It was admitted that the Union of South Africa had not the machinery for governing the Mandated Territory as a Crown Colony. It was clearly understood that there was no proposal to force these people into the British Empire; it was to be open to any man to object and to demand to retain his German nationality. The only difference between that proposal and the alternative was that in this case the resident would not be compelled to apply for naturalization, but would come under the operation of the law automatically, and it was believed that the great bulk of the people would prefer that course.

The High Commissioner, at the request of the Committee, explained the position of the natives; that the management and government of native peoples was no longer a difficult problem in South Africa, and that the native people themselves realized that their position had very greatly improved under the new arrangement.

In conclusion, the High Commissioner explained that they would realize how difficult was the problem which lay before the South African Government and people, and the Committee said that they understood that, and that they also realized that the suggestions which had been put forward as coming from those responsible for the administration of the country were entitled to the utmost consideration.

19671

No. 229.

COLONIAL OFFICE to OFFICES OF THE CABINET.

SIR,

Downing Street, 4th May, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 25th April,* regarding the nationality of inhabitants of "B" and "C" Mandated Areas.

2. As regards "C" Mandated Areas, I am to invite reference to the letter† from this Department of the 28th April and the 3rd May, enclosing copies of a telegram‡ to the Governor-General of the Commonwealth of Australia, and correspondence§ with the High Commissioners for New Zealand and the Union of South Africa. No reply has yet been received from the Governor-General of the Commonwealth.

3. As regards "B" Mandated Areas, Mr. Churchill's views are contained in the memorandum|| forming Annex I to the Report in League of Nations paper C. 54 (a). M. 45. Having regard, however, to the divergence between the views of the British, French, and Belgian Governments, the most desirable solution might be that suggested at the conclusion of the Memorandum of the Belgian Government, contained in Annex VI, i.e., that the Council of the League should not attempt any definite pronouncement on the question of nationality, but should make a general statement as to the position. Mr. Churchill would further suggest that the Permanent Mandates Commission should first be invited to express their views on the subject, as the last paragraph of their Report indicates that they are willing to do.

4. Copies of this letter are being sent to the Foreign Office and the Home Office.

I am, &c.,

C. T. DAVIS.

22148

No. 230.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.5 p.m., 10th May, 1922.)

TELEGRAM.

(Paraphrase.)

10TH MAY. With reference to your telegram of 27th April,† His Majesty's Government's views as to nationality under "B" Mandates, are, in the opinion of the Commonwealth Government, applicable in the case of "C" Mandate over New Guinea. The Commonwealth Government considers as regards both nationality and naturalization that under the Mandate it has full legislative powers as in other matters in which its powers are not expressly restricted. It agrees that in the present state of British legislation there are difficulties in the way of granting naturalization to applicants residing in territory. Commonwealth Government considers that the League of Nations might regard compulsory nationalization by legislation of native or non-native inhabitants, as an act of sovereignty inconsistent with the Mandate, but that the right to legislate for voluntary naturalization should not be given away. My Government therefore considers it desirable that it should retain full right to grant naturalization to applicants residing in territory, and asks that the British Representative be requested to submit to the Council of the League the views of the Commonwealth.—GOVERNOR-GENERAL.

* No. 224.

† L.F.F., not printed.

‡ No. 226.

§ Nos. 225, 227 and 228.

|| Enclosure

2 in No. 223.

44660

No. 231.

OFFICES OF THE CABINET to COLONIAL OFFICE.

(Received 7th September, 1922.)

[Answered by No. 232.]

THE Secretary to the Cabinet presents his compliments to the Under-Secretary of State for the Colonies, and with reference to earlier correspondence forwards herewith a copy of a communication from the Earl of Balfour of the 2nd instant, together with copies of the documents mentioned therein (C. 546 and C. 615), relative to the question of the Nationality of the Inhabitants of "B" and "C" Mandated Territories.

Sir Maurice Hankey desires to direct attention to the Earl of Balfour's request for Mr. Churchill's views on the recommendations of the Permanent Mandates Commission.

5th September, 1922.

Enclosure in No. 231.

British Delegation, Hotel Metropole, Geneva.

THE Earl of Balfour presents his compliments to the Secretary to the Cabinet, and forwards herewith copies of the Report* of the Permanent Mandates Commission on the question of the Nationality Status of the Inhabitants of the Territories under "B" and "C" Mandates. This Report was discussed by the Council to-day, and, as will be seen from the report† of the Spanish Representative to the Council—copies of which are also enclosed—it was decided to adjourn consideration of the matter to a later meeting.

2. Copies of the documents enclosed herewith are being communicated to the Australian, South African, and New Zealand Delegations, and Lord Balfour would be glad to receive any observations which the Secretary of State for the Colonies may desire to offer as soon as possible.

2nd September, 1922.

EXTRACT FROM THE REPORT OF THE PERMANENT MANDATES COMMISSION ON THE NATIONAL STATUS OF THE INHABITANTS OF THE TERRITORIES UNDER "B" AND "C" MANDATES.

THE Commission, for the reasons set forth below and stated at greater length in the minutes of its meetings of 2nd, 8th and 9th August, 1922 (C. 548, M. 330), has decided to submit to the Council the following proposals:—

I. It is important, in order that the principles laid down in Article 22 of the Covenant may be respected, and subject to the provision in paragraph III below, that the native inhabitants of "B" and "C" Mandated Territories should be granted a national status wholly distinct from that of the nationals of the mandatory Power.

II. A special law of the mandatory Power should determine the status of these native inhabitants, who might be given a designation such as "administered persons under mandate," or "protected persons under mandate" of the mandatory Power.

III. It is open to mandatory Powers to whom "B" and "C" mandated Territories have been entrusted, to make arrangement in conformity with their own laws for the individual and purely voluntary acquisition of their nationality by inhabitants of these territories.

* C.546, extract only printed. † C.615.

44660

No. 232.

COLONIAL OFFICE to OFFICES OF THE CABINET.

Downing Street, 14th September, 1922.

THE Under-Secretary of State for the Colonies presents his compliments to the Secretary to the Cabinet and, with reference to Sir Maurice Hankey's letter of the 5th September,* regarding the Report of the Permanent Mandates Commission on the National Status of Inhabitants of Territories administered under "B" and "C" Mandates, begs to offer the following observations, in which, it is understood, the Secretary of State for Foreign Affairs and the Secretary of State for Home Affairs concur:—

It is desirable, in the first instance, to draw attention to the essential distinction between nationality on the one hand and protection on the other. The protection of the Mandatory Power which is extended to native inhabitants of the territory in pursuance of Article 127 of the Treaty of Versailles, does not confer any national status upon them.

As regards the first two proposals of the Commission, it would appear impossible for a Mandatory Power to confer upon the inhabitants of territories administered under such Mandates any national status other than its own, though it is possible for the Mandatory Power to define by a legislative act what persons are entitled to the protection granted as a result of Article 127 of the Treaty of Versailles to the native inhabitants of the territories which it administers under Mandate. So far as concerns the territories administered by this country under "B" Mandates, it is agreed that the native inhabitants should not be granted the national status of British subjects, but no objection is seen to defining by a legislative act which of the inhabitants of the territories should be regarded as entitled to British protection in accordance with Article 127, and to conferring on those persons the designation "British protected persons under Mandate."

As regards the third proposal, reference is invited to the observations contained in the memorandum† appearing on pp. 8 and 9 of League of Nations paper C. 54 (a) M. 45, of which a copy was enclosed in Sir M. Hankey's letter of the 25th April.‡ Doubt is still felt as to the desirability of providing for the naturalization of inhabitants of Mandated Territories, more especially since in the territories administered by this country under "B" Mandates such naturalization could only be local, and would not confer on the persons naturalized the status of British subjects outside the territory. So far as their status inside the territory is concerned, the end in view could be secured by legislative or administrative action which would ensure to the persons concerned any privileges appertaining to the status of a British subject which it was considered desirable to extend to them.

The above observations relate only to territories administered under "B" Mandates. As regards territories administered under "C" Mandates, similar considerations would appear to apply, but it is not desired to offer any observations on behalf of the Colonial Office as regards these territories. It is observed that the Delegations of the Commonwealth of Australia, New Zealand and the Union of South Africa at Geneva have been asked for their observations and, when these are received, the Earl of Balfour may think it desirable that the whole question should be discussed personally with the representatives of those Dominions before it is again considered by the Council of the League.

Note.—The question was not considered further by the Council of the League of Nations during 1922.

48219

No. 233.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th September, 1922.)

(Confidential.)

SIR, Governor-General's Office, Pretoria, 6th September, 1922.

I HAVE the honour to enclose herewith press cuttings§ of my recent tour in the Mandated Territory of South-West Africa.

* No. 231. † Enclosure 2 in No. 223. ‡ No. 224. § Not reprinted.

2. I was accorded a most friendly reception by the German, as well as the English and Dutch, sections of the population.

3. As most of the truculent and dissatisfied Germans have been repatriated or deported, the present German population comprises only the better class, and they seem fairly contented with their lot, although the acute economical depression that has afflicted the territory is responsible for a certain amount of unfair criticism of the Administration and the Government.

4. There is every evidence that the bitter feelings aroused by the War are beginning to subside, and I think that, given a gradual return to prosperity, the German population will accept the new régime more or less cheerfully. As they are very industrious and by nature law-abiding, they cannot fail to be a valuable national asset once they have been assimilated as citizens of the Union.

5. Many of them worked hard and endeavoured to accumulate money, in order that they might profit by the exchange and return to live in Germany. But the critical financial and political condition of the Fatherland (they are staunch monarchists) has banished this prospect from the minds of most of them. The Administration has therefore to devise some scheme for sustaining their energy and for utilizing German industry in the interests of the territory.

6. Their present national status is most unsatisfactory, and I am convinced that it has engendered the feeling of apathy that undoubtedly prevails amongst them. They feel they are nobody's children, and, apart from the desire to live, they have no ambitions and nothing to strive for.

7. I went to some trouble to gain their confidence and discover what they thought about the question of their enrolment as British citizens. Few of them fail to appreciate the advantages to be gained by throwing in their lot with the people of South Africa which, by reason of its composition, has little or no racial animosity. But while a sense of loyalty to their Fatherland prevents them from voluntarily seeking naturalization, I am of the opinion that legislation which would thrust British citizenship upon them, apparently against their will, would be accepted outwardly under protest, but with secret satisfaction. I am, therefore, in favour of their being declared British subjects by proclamation, and have reason to believe that the Union Government contemplates some such policy.

8. A feeling that the authority of the Union under the mandate is ill-defined and circumscribed is another cause of discontent in the territory. The Germans, at any rate, feel that the existing arrangement is not meant to be permanent, and that they are living in a kind of Babylonian captivity which will assuredly be terminated in time, but which meanwhile demands patience and resignation.

9. This state of uncertainty cannot fail to prejudice the welfare of the country and undermine the vitality of the people. The speech I delivered at Windhoek was composed with the express object of combating this feeling of doubt, but I am convinced that the only way to dispel it satisfactorily is to impart fresh energy to the population of the territory by giving it a definite nationality.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

(6) Permanent Mandates Commission: Appointment of British Member.

61165

No. 234.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 12.30 p.m., 9th December, 1922.)

TELEGRAM.

[Answered by Nos. 236 and 237.]

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Paraphrase.)

9TH DECEMBER. Secret. The appointment as Parliamentary Under-Secretary at the Colonial Office of Mr. Ormsby-Gore, renders it necessary to nominate a successor as Member of the Permanent Mandates Commission. We suggest that on account of his exceptional administrative experience in important governorships, both in Africa and in the East, Sir Frederick Lugard would be specially qualified. Does your Prime Minister concur?—DEVONSHIRE.

61165

No. 235.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 12.35 p.m., 9th December, 1922.)

TELEGRAM.

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Paraphrase.)

9TH DECEMBER. Secret. My telegram of 9th December,* on the subject of the Permanent Mandates Commission; I shall be glad if you will inform your Prime Minister that I am also consulting [Massey and Smuts.] [Hughes and Smuts.] [Hughes and Massey.].—DEVONSHIRE.

61685

No. 236.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.20 a.m., 13th December, 1922.)

TELEGRAM.

(Paraphrase.)

12TH DECEMBER. Your Secret telegram of 9th December,* Permanent Mandates Commission. My Prime Minister concurs in appointment of Lugard as member, *vice* Ormsby-Gore.—ARTHUR FREDERICK.

* No. 234.

61957

No. 237.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.25 a.m., 15th December, 1922.)

TELEGRAM.

(Paraphrase.)

15TH DECEMBER. Your telegram 9th December.* My Prime Minister concurs in suggested appointment of Sir F. Lugard to Mandates Commission.—JELlicoe.

Note.—The reply of the Prime Minister of the Commonwealth of Australia was not received until January, 1923. It expressed concurrence in the nomination of Sir F. Lugard, who was appointed at the session of the Council of the League of Nations in January, 1923.

(7) Iraq Mandate.

A Treaty was negotiated with King Feisal dealing with the relations between His Majesty and the King of Iraq. This Treaty, which was signed on the 10th October, 1922, was published as a Parliamentary Paper (Cmd. 1757) and copies were sent to the Dominions in a despatch Dominions No. 377 of the 17th October, 1922 (50988/22).

MUSCAT.

Anglo-Muscat Treaty, 1891.

(Treaty Series, 1892, No. 9.)

62749

No. 238.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 239.]

SIR,

Downing Street, 2nd January, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of 16th December† regarding the Anglo-Muscat Treaty of 1891.

2. It appears to Mr. Churchill, on further consideration, that so long as this Treaty is only renewed from year to year, there is no special necessity to arrange an opportunity for withdrawal, on the part of the self-governing Dominions, unless it should appear on inquiry that any of the Governments concerned wishes the necessary provision to be made.

3. Accordingly, if Mr. Montagu concurs, Mr. Churchill would propose to explain the position to the Dominion Governments, and to inquire whether they desire action taken in anticipation of the negotiation of a new Treaty.

I am, &c.,

C. T. DAVIS.

* No. 234. † 62749: not printed. This intimated that Colonial Office letter of 3rd December (No. 171 in Dominions No. 81) had been forwarded to the Government of India, and asked for the draft of a clause providing for withdrawal of the Dominions for insertion if thought necessary in documents renewing the existing Treaty.

1564

No. 239.

INDIA OFFICE to COLONIAL OFFICE.

(Received 10th January, 1922.)

SIR,

India Office, Whitehall, London, S.W.1., 9th January, 1922.

IN reply to your letter dated 2nd January, 1922,* relative to the renewal of the Anglo-Muscat Treaty of 1891, I am directed by the Secretary of State for India to say that he concurs in the course of action which Mr. Secretary Churchill proposes to follow.

I have, &c.,

L. D. WAKELY.

1564

No. 240.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 241, 242, 243 and 244.]

(Canada. No. 81.)

(Commonwealth of Australia. No. 67.)

(Union of South Africa. No. 64.)

(Newfoundland. No. 30.)

[MY LORD,] [SIR,]

Downing Street, 13th February, 1922.

I HAVE the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that attention has been drawn to the position of the self-governing Dominions in relation to the Treaty between Great Britain and Muscat signed on the 19th March, 1891 (Treaty Series No. 9 of 1892).

[To Canada only: The effect of this Treaty, as regards the participation of Muscat in the coasting trade of Canada, was referred to in paragraph 6 of Mr. (now Viscount) Harcourt's despatch No. 773 of the 7th October, 1914.†]

[To Commonwealth of Australia only: The question of the withdrawal of the Commonwealth Government from this Treaty was referred to in the second paragraph of Lord Crewe's despatch No. 430 of the 3rd December, 1909,‡ and previous correspondence.]

2. Article XXI of the Treaty provided that its stipulations should not be applicable to the self-governing Dominions unless notice to that effect were given but no provision was made for the separate withdrawal of any Dominion to which its stipulations had been applied.

3. The Treaty, which was subject to revision after 12 years, is at present being renewed from year to year pending the negotiation of a new Treaty. If such a new Treaty were negotiated, a clause would be inserted in it providing not only that its stipulations should not apply to any of the self-governing Dominions unless notice to that effect were given, but also that it might be terminated separately in respect of any Dominion to which it had been made applicable.

4. It would also be possible, if such a course were desired by any of the Dominion Governments, to insert, in any agreement extending the present Treaty for a further period, a clause giving the Dominions separate liberty of withdrawal. I should be glad to learn whether your Ministers would desire such a course or whether they would think it sufficient that the matter should remain in abeyance until a new Treaty is negotiated.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 238.

† No. 167 in Dominions No. 51.

‡ No. 51 in Dominions No. 11.

20647

No. 241.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 2nd May, 1922.)

(No. 57.)

SIR, Government House, St. John's, 13th April, 1922.
I HAVE the honour to acknowledge the receipt of your despatch No. 30 of the 13th February* on the subject of the self-governing Dominions in their relation to the Treaty between Great Britain and Muscat signed on the 19th March, 1891, and to inform you that my Ministers consider it unnecessary to insert in any agreement extending the Treaty provisions giving the Colony separate liberty of withdrawal.

2. The matter, therefore, may remain in abeyance until a new Treaty is negotiated.

I have, &c.,
C. ALEXANDER HARRIS.

21885

No. 242.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9th May, 1922.)

(No. 174.)

SIR, Governor-General's Office, Cape Town, 20th April, 1922.
I HAVE the honour to transmit to you herewith, with reference to your despatch No. 64 of the 13th February, 1922,* copy of a Minute from Ministers on the subject of the position of the self-governing Dominions in relation to the Treaty between Great Britain and Muscat signed on the 19th March, 1891.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 242.

(Minute No. 283.)

Prime Minister's Office, 19th April, 1922.

MINISTERS have the honour to acknowledge the receipt of His Royal Highness the Governor-General's minute No. 62/2387 of the 7th March last forwarding a despatch from the Right Honourable the Secretary of State for the Colonies, inquiring whether the Union Government desire a stipulation in the Treaty between Great Britain and Muscat, providing that the Treaty should not apply to the self-governing Dominions or that it may be terminated separately in respect of any Dominion to which it has been made applicable.

Ministers would be glad if Your Royal Highness would be good enough to inform His Majesty's Government that they do not consider it necessary in any annual renewal of the Treaty to insert a clause giving the Dominions separate liberty of withdrawal and consider that this might be left in abeyance until a new Treaty is negotiated.

J. C. SMUTS.

47578

No. 243.

CANADA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th September, 1922.)

(No. 504.)

SIR, Ottawa, 12th September, 1922.
WITH reference to your despatch No. 81 of the 13th February last,* respecting the position of the self-governing Dominions in relation to the Treaty between Great Britain and Muscat signed on the 19th March, 1891 (Treaty Series No. 9 of 1892),

* No. 240.

I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada regarding the position of the Dominion of Canada in relation to this Treaty.

I have, &c.,
L. H. DAVIES,
Deputy Governor-General.

Enclosure in No. 243.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 7TH SEPTEMBER, 1922.

(P.C. 1778.)

THE Committee of the Privy Council have had before them a Report, dated 19th August, 1922, from the Minister of Customs and Excise, to whom was referred a despatch from His Majesty's Secretary of State for the Colonies, dated 13th February, 1922, on the subject of the position of the Dominion of Canada in relation to the Treaty between Great Britain and Muscat, signed on the 19th March, 1891, to which Canada acceded on 11th April, 1893.

The Minister observes that the treaty referred to is being renewed from year to year pending the negotiation of a new treaty, and that, if such a treaty is again entered into, provision would be made to ensure that its stipulations should not apply to any of the self-governing Dominions unless notice to that effect were given, and also to provide that it might be terminated separately in respect of any Dominion to which it has been made applicable. It is also noted that His Majesty's Secretary of State for the Colonies desires to learn whether or not, in any agreement extending the present treaty, a clause giving the Dominions separate liberty of withdrawal should be inserted, as it may be possible to have such a clause included in the provisions of the renewal.

The Minister states that he is advised that Muscat is entitled to most-favoured-nation treatment under the Treaty of 1891 referred to, as regards the Canadian coasting trade, but it is understood that vessels from Muscat do not engage in this trade and that Canada does not import goods from nor export goods to Muscat. Under an Act Respecting the Coasting Trade of the Dominion of Canada, assented to 15th May, 1902, no goods or passengers shall be carried by water from one port in Canada to another except in British ships.

In view of the provisions of the Act Respecting the Coasting Trade referred to, the Minister submits that in any agreement for the renewal of the Treaty between Great Britain and Muscat, it would be advisable to have a clause inserted giving the Dominions separate liberty of withdrawal.

The Committee, concurring, advise that Your Excellency may be pleased to forward a copy of this Minute to the Right Honourable the Secretary of State for the Colonies in reply to the despatch above referred to.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPH BOUDREAU,
Clerk of the Privy Council.

60735

No. 244.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th December, 1922.)

(No. 431.)

MY LORD DUKE, Governor-General's Office, Melbourne, 30th October, 1922.

WITH reference to your predecessor's despatch dated 13th February, 1922, No. 67,* on the subject of the Treaty between Great Britain and Muscat, I have the honour, at the instance of my Prime Minister, to inform Your Grace that the Commonwealth Government desires that in any agreement renewing the Treaty with Muscat for a further period a provision be included giving the Commonwealth of Australia separate liberty of withdrawal.

I have, &c.,
FORSTER,
Governor-General.

* No. 240.

NORWAY.

Proposed Commercial Agreement with Australia.

10387

No. 245.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4th March, 1922.)

SIR,

Foreign Office, S.W.1, 3rd March, 1922.

I AM directed by the Secretary of State for Foreign Affairs to transmit to you herewith a copy of a note from the Norwegian Minister stating that the Norwegian Government are desirous of opening negotiations with a view to concluding a temporary agreement as to commercial relations between Norway and the Commonwealth of Australia, and enquiring as to the most suitable procedure in the matter.

2. As the Secretary of State for the Colonies is aware, the Franco-Canadian Trade Agreement was negotiated between Sir G. Foster and the French Government.

3. If this precedent is followed in the present case, the best course would appear to be for Monsieur Vogt to announce to His Majesty's Government the wishes of his Government and ask that the Commonwealth Government may be informed and requested to appoint representatives to negotiate with the Norwegian representatives. It might also be suggested to Monsieur Vogt at the same time that he should propose that the negotiations should take place in London.

4. I am to inquire whether Mr. Churchill concurs in a communication being addressed to Monsieur Vogt in this sense.

I am, &c.,

J. D. GREGORY.

Enclosure in No. 245.

(No. 33/1922.)

MY LORD MARQUESS,

Norwegian Legation, London, 24th February, 1922.

I HAVE the honour, by order of my Government, to inform Your Lordship that they are desirous of opening negotiations with a view to concluding a temporary agreement as to the commercial relations between Norway and the Commonwealth of Australia.

I should feel very grateful if you would kindly advise me of the British Government's opinion with regard to the most suitable way of procedure in this matter.

I have, &c.,

B. VOGT.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.

10387

No. 246.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.20 p.m., 24th March, 1922.)

TELEGRAM.

REFERRING to my despatch of 13th March, 1914, No. 144.* Government of Norway wish to open negotiations with a view to concluding temporary agreement as to commercial relations between Norway and Commonwealth of Australia. Do your Ministers desire to enter into such negotiations, and, if so, what procedure would they suggest?—SECRETARY OF STATE FOR THE COLONIES.

Note.—No reply had been received to this telegram up to the end of 1922.

* No. 123 in Dominions No. 51.

PEACE COMMISSION TREATIES.

Bolivia, Brazil (a), Chile (b), and Peru.

((a) Treaty Series, 1921, No. 8; (b) Treaty Series, 1920, No. 3.)

113

2327

No. 247.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 5.0 p.m., 14th January, 1922.)

TELEGRAM.

14TH JANUARY. Your despatch 24th October, Dominions No. 430.* My Ministers agree.—HARRIS.

6124

No. 248.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 53.)

[MY LORD,] [SIR,]

Downing Street, 18th February, 1922.

WITH reference to my despatch Dominions No. 430 of the 24th of October, 1921,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of despatches to His Majesty's Ministers at Santiago, Lima, and La Paz regarding the Peace Commission Treaties between the United Kingdom and Chile, Peru, and Bolivia.

I have, etc.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 248.

(No. 12.)

SIR,

Foreign Office, S.W.1., 3rd February, 1922.

WITH reference to your despatch No. 214 of 4th August, relative to the termination of the Peace Commission Treaty between His Majesty's Government and the Chilean Government, I consider that the object in view could best be attained by a formal exchange of notes.

2. I request you therefore to arrange with the Chilean Government for a formal exchange of notes stating that, as the objects to be attained by the treaty for the establishment of a Peace Commission signed on 28th March, 1919, are now sufficiently provided for by the League of Nations, it has been decided to terminate the treaty for the establishment of a Peace Commission, signed on 28th March, 1919.

3. You should at the same time request the Chilean Government formally to convey to you their concurrence in the termination of this Treaty as from the date on which the notes are exchanged. You will no doubt be able to decide, in consultation with the Chilean Government, on the exact wording of the notes to be exchanged, copies of which should be sent to this department for purposes of record, and of registration with the League of Nations.

I am, &c.,

R. SPERLING.

(In the absence of the Secretary of State.)

J. C. T. Vaughan, Esq.,

C.M.G., M.V.O.,

&c., &c.

* No. 174 in Dominions No. 81.

Enclosure 2 in No. 248.

(No. 9.)

SIR, Foreign Office, S.W.1., 3rd February, 1922.
 WITH reference to Mr. Balfour's telegram No. 143 of 20th August, 1918, to Mr. Rennie, I have to inform you that His Majesty's Government have had under their consideration the Peace Commission Treaties between this country and Peru, Chile and Bolivia, and have decided that, in view of the fact that these countries have subscribed to the Covenant of the League of Nations, and that the objects sought to be attained by these treaties are fully provided for by the Covenant, the treaties have now become superfluous and should be terminated.

2. I request you therefore to bring these considerations to the notice of the Government to which you are accredited and inform them that His Majesty's Government do not intend to proceed to the ratification of the treaty.

3. Similar action is being taken in regard to the treaties in existence between His Majesty's Government and Chile and Bolivia.

I am, &c.,

R. SPERLING.

(In the absence of the Secretary of State.)

A. C. Grant Duff, Esq.,
 &c., &c., &c.

Enclosure 3 in No. 248.

(No. 9.)

SIR, Foreign Office, S.W.1., 3rd February, 1922.
 WITH reference to Mr. Haggard's telegram No. 59 of 28th July, 1919, and previous correspondence, I have to inform you that His Majesty's Government have had under their consideration the question of the Peace Commission Treaties negotiated between this country and Peru, Chile and Bolivia and have decided that, in view of the fact that the objects sought to be attained by these treaties are already provided for by the Covenant of the League of Nations, to which all the countries in question are parties, these treaties have now become superfluous and should be terminated.

2. As far as I am aware the Bolivian Government have for some time past shown no desire to take up the question of concluding a Peace Commission treaty, and it is possible therefore that they have already reached the conclusion indicated above. It might be well, however, in order to avoid any misconception, for you to explain to the Bolivian Government the attitude of His Majesty's Government in the matter.

3. Similar action, with a view to their cancellation, is being taken in regard to the treaties of arbitration existing between His Majesty's Government and Chile and Peru.

I am, &c.,

R. SPERLING.

(In the absence of the Secretary of State.)

W. E. O'Reilly, Esq.,
 &c., &c., &c.

19798

No. 249.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
 AND GOVERNOR.

(Canada.
 Commonwealth of Australia.
 New Zealand.
 Union of South Africa.
 Newfoundland.)

Dominions No. 135.)

[MY LORD,] [SIR,]

Downing Street, 3rd May, 1922.

WITH reference to my despatch Dominions No. 53 of the 18th of February,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,]

* No. 248.

for the information of your Ministers, a copy of a despatch from His Majesty's Minister at Lima regarding the non-ratification of the Peace Commission Treaty with Peru, signed on the 16th of July, 1920.

I have, &c.,

WINSTON S. CHURCHILL.

114

Enclosure in No. 249.

(No. 44.)
 (Extract.)

MY LORD,

British Legation, Lima, Peru, 21st March, 1922.

IN obedience to the instructions contained in Your Lordship's despatch No. 9,* I have the honour to transmit copy of a Note which I addressed to the Peruvian Government on the 10th inst., informing the latter that His Majesty's Government do not intend to proceed to the ratification of the Peace Commission Treaty signed on 16th July, 1920, as that Instrument has now become superfluous.

The Peruvian Government have expressed their agreement with the view taken by His Majesty's Government in a Note, of which I have the honour to transmit copy and translation.

I have, &c.,

A. C. GRANT DUFF.

Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c.,

&c.,

&c.,

Foreign Office, S.W.1.

MONSIEUR LE MINISTRE,

British Legation, Lima, 10th March, 1922.

AS Your Excellency is aware a Treaty was signed between the Peruvian Government and that of His Majesty on the 16th of July, 1918, by which disputes arising between the High Contracting parties should, when diplomatic methods of adjustment had failed, be referred for investigation and report to a Permanent International Commission.

His Majesty's Government have had under their consideration this Instrument, and have decided that, in view of the fact that Peru has subscribed to the Covenant of the League of Nations, and that the objects sought to be attained by the Treaty of 16th July, 1918, are fully provided for by the Covenant, the former has now become superfluous and should be terminated.

In accordance with instructions which I have received from His Majesty's Secretary of State for Foreign Affairs, I have the honour to bring the above considerations to the notice of the Peruvian Government, and to inform Your Excellency that His Majesty's Government do not intend to proceed with the ratification of the Treaty.

I avail myself, etc.,

A. C. GRANT DUFF.

His Excellency

Doctor Alberto Salomon,

&c.,

&c.,

&c.,

Minister for Foreign Affairs, Lima.

Translation.

Ministry of Foreign Affairs, Lima,

17th March, 1922.

MONSIEUR LE MINISTRE,

WITH reference to your Note No. 10, of the 10th instant, I beg to inform you that this Department is in agreement with the reasons brought forward by you, acting upon instructions received from His Majesty's Secretary of State for Foreign Affairs, and that the Peruvian Government also considers that there is no object in proceeding to the ratification of the Treaty signed on the 16th of July, 1918, between Great Britain and Peru.

I avail myself, &c.,

A. SALOMON.

A. C. Grant Duff, Esq.,

His Majesty's Minister,

Lima.

* Enclosure 2 in No. 248.

24767

No. 250.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions No. 165.)
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[MY LORD,] [SIR,]

Downing Street, 29th May, 1922.

WITH reference to my despatch Dominions No. 135 of the 3rd May,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's Minister at Santiago, regarding the termination of the Peace Commission Treaty between the United Kingdom and Chile.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosures in No. 250.

(No. 85.)

MY LORD,

British Legation, Santiago, 4th April, 1922.

WITH reference to Your Lordship's despatch, No. 12, of 3rd February last,† relative to the termination of the Peace Commission Treaty between His Majesty's Government and the Chilean Government, I have the honour to transmit herewith to Your Lordship, copy of the note which I addressed to the Chilean Government on this subject, conveying the concurrence of His Majesty's Government in the proposal of the Chilean Government to terminate the Treaty by formal exchange of notes.

I also have the honour to transmit herewith a copy‡ and translation of the reply of the Chilean Government, in which they concur in the suggestion that the Treaty should terminate on the date that the identic notes were exchanged.

The formal notes bearing to-day's date, exchanged between this Legation and the Chilean Ministry for Foreign Affairs, are also enclosed herewith. The Treaty will therefore terminate as from 4th April, 1922.

I have, &c.,

J. C. T. VAUGHAN.

The Most Honourable

The Marquess Curzon of Kedleston, K.G., G.C.S.I., G.C.I.E.,
&c., &c., &c.

(No. 10.)

YOUR EXCELLENCY,

British Legation, Santiago, 24th March, 1922.

WITH reference to Don Jorge Matte's Note, No. 1263.§ of the 3rd August last, in which His Excellency was so good as to inform me that in view of the fact that the objects to be attained by the Treaty for the establishment of the Peace Commission signed between His Majesty's Government and the Chilean Government on the 28th of March, 1919, are now sufficiently provided for by the League of Nations, the Chilean Government concur in the view of His Majesty's Government that the said Treaty should be terminated, and in which His Excellency suggested that effect might be given to this decision by an exchange of notes, I have the honour to inform Your Excellency that His Majesty's Government concur in this procedure.

I shall, therefore, be glad to arrange with Your Excellency for a formal exchange of notes stating that, as the objects to be attained by the Treaty for the establishment of a Peace Commission signed on 28th March, 1919, are now sufficiently provided for by the League of Nations, it has been decided to terminate the Treaty for the establishment of the Peace Commission signed on 28th March, 1919.

* No. 249. † Enclosure 1 in No. 248. ‡ Translation only printed. § Enclosure in No. 174 in Dominions No. 81.

I have the honour, at the same time, to request Your Excellency formally to convey to me the concurrence of the Chilean Government to the termination of this Treaty as from the date on which the notes are exchanged. 115

I avail, &c.,

J. C. T. VAUGHAN.

His Excellency

Senor Don Ernesto Barros Jarpa,
Minister for Foreign Affairs,
Santiago.

TRANSLATION OF REPLY FROM CHILEAN MINISTER FOR FOREIGN AFFAIRS TO
MR. VAUGHAN'S NOTE NO. 10 OF 24TH MARCH, 1922.
(No. 551.)

SEÑOR MINISTRO,

Santiago, 30th March, 1922.

I HAVE the honour to acknowledge receipt of the note, dated the 24th instant, in which Your Excellency refers to an exchange of communications previously effected between that Legation and the Department under my supervision, and in which it was agreed on the part of our respective Governments to terminate the Treaty for the establishment of a Peace Commission signed between Chile and Great Britain on the 28th March, 1919, since our respective Governments have subscribed, at a later date, to the Covenant of the League of Nations.

The note under reply states that Your Excellency is ready to give effect to the said agreement by an exchange of notes, and proposes that the Treaty shall terminate as from the date of such exchange of notes.

In reply I have the pleasure to inform Your Excellency that this Ministry accepts the means proposed by Your Excellency on the understanding that the date of the notes to be exchanged as agreed shall be that of the termination of the above-mentioned Treaty of 1919, between Chile and Great Britain.

I avail, &c.,

ERNESTO BARROS J.

(No. 11.)

YOUR EXCELLENCY,

Santiago, 4th April, 1922.

As the objects to be attained by the Treaty for the establishment of a Peace Commission, concluded between His Majesty's Government and the Chilean Government and signed in Santiago on 28th March, 1919, are now sufficiently provided for by the League of Nations, both Great Britain and Chile having subscribed to the Covenant of the League, it has been decided by His Majesty's Government and the Government of Chile to terminate the Treaty of 28th March, 1919, for the establishment of a Peace Commission, as from the date of the present note.

I avail, &c.,

J. C. T. VAUGHAN.

His Excellency

Senor Don Ernesto Barros Jarpa,
Minister for Foreign Affairs,
Santiago.

(No. 594.)

SEÑOR MINISTRO,

Santiago, 4 de Abril, de 1922.

EN vista de que los fines perseguidos por el Tratado sobre establecimiento de una Comisión de Paz concluido en tre el Gobierno de Chile y el de Su Majestad Británica y firmado en Santiago el 28 de Marzo, de 1919, están ya suficientemente asegurados por la Liga de las Naciones, cuyo Pacto constitutivo han suscrito Chile y Gran Bretaña, mi Gobierno, de acuerdo con el de V.E., ha resuelto poner término a la vigencia del citado Tratado sobre establecimiento d e una Comisión de Paz suscrito el 28 de Marzo, de 1919, a contar desde esta fecha.

Tengo el honor, &c.,

ERNESTO BARROS JARPA.

Note.—No communication as to developments in the case of Bolivia was received in the Colonial Office during 1922.

PERSIA.

Agreement, 1920, modifying the Commercial Convention of 1903.
(Treaty Series, 1920, No. 17.)

64342

No. 251.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 6.)

MY LORD,

Downing Street, 4th January, 1922.

WITH reference to Your Excellency's despatch No. 345, of the 11th October,* I have the honour to transmit to you, for the information of your Ministers, a copy of a despatch addressed to His Majesty's Minister at Tehran regarding the desire of the Commonwealth Government to withdraw from the Agreement of 21st March, 1920, between the United Kingdom and Persia.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 251.

(No. 372.)

SIR,

Foreign Office, S.W.1, 28th December, 1921.

THE Government of the Commonwealth of Australia, being no longer desirous of being bound by the existing Commercial Treaties with Persia, have requested that notice may be given of their withdrawal from the Agreement of 21st March, 1920, modifying the Commercial Convention between the United Kingdom and Persia of 9th February, 1903.

2. This step the Commonwealth Government are empowered to take in view of the second paragraph of Article II of the 1903 Convention (1) and paragraph 3 of the 1920 Agreement (2).

3. I request, therefore, that you will inform the Persian Government in the sense of the two foregoing paragraphs of this despatch and furnish me with a copy of the communication which you make.

I am, &c.,

LANCELOT OLIPHANT.

Sir P. Loraine, Bart.,
&c., &c., &c.

22016

No. 252.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada. No. 248.)

(Commonwealth of Australia. No. 190.)

MY LORD,

Downing Street, 13th May, 1922.

WITH reference to my despatch [No. 621 of the 11th of November last,†] [No. 6 of the 4th of January,‡] I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a despatch from His Majesty's Minister at Tehran forwarding a copy of his Note to the Persian Minister for Foreign Affairs notifying the withdrawal of the [Canadian] [Commonwealth] Government from the Agreement between the United Kingdom and Persia of the 21st March, 1920.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 216 in Dominions No. 81. † No. 215 in Dominions No. 81. ‡ No. 251.

Enclosure in No. 252.

[No. 97.]

[No. 98.]

MY LORD,

British Legation, Tehran, 18th February, 1922.

I HAVE the honour to transmit to Your Lordship herewith, with reference to your despatch [No. 315 of 2nd November, 1921*] [No. 372 of 28th December, 1921†] copy of a Note addressed by me this day to the Persian Minister for Foreign Affairs notifying the Persian Government of the withdrawal of the [Canadian Government] [Government of the Commonwealth of Australia] from the Agreement of 21st March, 1920, modifying the Commercial Convention between the United Kingdom and Persia of 9th February, 1903.

I have, &c.,

PERCY LORAINÉ.

The Most Honourable

The Marquis Curzon of Kedleston, K.G.,

&c. &c. &c.,
Foreign Office.

MONSIEUR LE MINISTRE,

British Legation, Tehran, 18th February, 1922.

I AM directed by His Majesty's Principal Secretary of State for Foreign Affairs to inform the Persian Government that the [Canadian Government] [Government of the Commonwealth of Australia] being no longer desirous of being bound by the existing Commercial Treaties with Persia, has requested that notice may be given of its withdrawal from the Agreement of 21st March, 1920, modifying the Commercial Convention between the United Kingdom and Persia of 9th February, 1903.

This step the [Canadian] [Commonwealth] Government is empowered to take in view of the second paragraph of Article II of the 1903 Convention (1) and paragraph 3 of the 1920 Agreement (2).

I avail, &c.,

His Excellency,

Hakim ul Mulk,

Minister for Foreign Affairs.

49276

No. 253.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada. No. 493.)

(Commonwealth of Australia. No. 356.)

MY LORD,

Downing Street, 10th October, 1922.

WITH reference to my despatch No. [248] [190] of the 13th of May,‡ I have the honour to transmit to your Excellency, to be laid before your Ministers, a copy of a despatch from His Majesty's Minister at Tehran forwarding copies of notes exchanged with the Persian Minister for Foreign Affairs relative to the withdrawal of the Canadian and Commonwealth Governments from the Anglo-Persian Agreement of the 21st of March, 1920.

I have, etc.,

WINSTON S. CHURCHILL.

Enclosure in No. 253.

(No. 485.)

MY LORD,

British Legation, Tehran, 4th August, 1922.

I HAVE the honour to transmit to Your Lordship herewith copies of notes from and to the Persian Government on the subject of the withdrawal of Australia and Canada from the Agreement of 21st March, 1920.

Reference: Marquess Curzon's despatch No. 372 of 28th December, 1921.†

I have, &c.,

(For the Minister)

E. MONSON.

His Majesty's Principal

Secretary of State for Foreign Affairs,

Whitehall, S.W.1.

* Enclosure in No. 215 in Dominions No. 81.

† Enclosure in No. 251.

‡ No. 252.

(Translation.)

FROM THE PRESIDENT OF THE COUNCIL AND MINISTER FOR FOREIGN AFFAIRS TO
HIS MAJESTY'S MINISTER.

Asad 10. 1301 (August 2nd, 1922).

MONSIEUR LE MINISTRE,

IN reply to Your Excellency's Note of 18th February last, relative to the notice given by the Governments of Australia and Canada in regard to the Commercial Treaty, I have the honour to state that the contents of your Note under reply are so indefinite that I cannot understand the objects of above-mentioned Governments which I shall be glad if you will kindly explain, because in the opinion of the Imperial Government the Agreement of 1920 does not give the right to the above-mentioned Commonwealths to withdraw from that agreement.

I avail, etc.,

QAWAM-ES-SALTANEH.

British Legation, Gulhak,

5th August, 1922.

MONSIEUR LE PRESIDENT DU CONSEIL,

I HAVE the honour to acknowledge the receipt of Your Highness's Note of 2nd August on the subject of the withdrawal of the Governments of Australia and Canada from the Agreement of 21st March, 1920, modifying the Commercial Convention between the United Kingdom and Persia of 9th February, 1903.

I have not been informed of the reasons for the decision taken by these two Governments, but, whatever the reasons may be, the liberty of those Governments to take it is quite clearly provided for in the second paragraph of Article II of the 1903 Convention (1) and paragraph 3 of the 1920 Agreement (2), to which I had the honour to refer Your Highness in my previous Notes, and I am, therefore, not in a position to admit that there can be any question of the validity of the decision.

I am forwarding a translation of Your Highness's Note to the Acting Secretary of State for Foreign Affairs for the information of His Majesty's Government.

I avail, &c.,

(For the Minister)

E. MONSON.

His Highness

Qawam-es-Saltaneh,

President of the Council of Ministers and
Minister for Foreign Affairs.

PHYTOPATHOLOGY.

Draft International Convention.

4419

No. 254.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 255.]

SIR,

Downing Street, 7th March, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 26th January* regarding the draft Convention drawn up by the International Conference on Phytopathology held at Rome in the early part of 1914.

2. If it is proposed to proceed with this draft Convention it seems desirable that an endeavour should be made to secure an alteration in the wording of Articles 18 and

* 4419: not printed; it transmitted a copy of the Note from the Italian Ambassador, which forms Enclosure 1 in No. 257.

21,* which in their present form do not make suitable provision for the self-governing Dominions. It would appear, moreover, that Article 2* should not be confined to *adhering* States, seeing that Article 3* refers not only to adhesion, but also to ratification. As, however, the draft Convention was negotiated by an International Conference in March, 1914, Mr. Churchill feels some doubt whether any alteration in the text is now possible, and he would be glad to receive Lord Curzon's observations on this point.

3. The scheme of the Convention is apparently that each "Colony" which adheres under Article 18 becomes to all intents and purposes a contracting State (this presumably being the meaning of the words "aux mêmes conditions que les Etats indépendants" in the second paragraph of Article 18). From this point of view Article 16* might be open to objection as having the appearance of regulating the relations of the various parts of the Empire *inter se*. Article 21, however, is not consistent with this scheme, as it is clearly based on the view that "Etat Contractant" means not "contracting country" but "high contracting party."

4. If it is possible to amend the text of the Convention, Mr. Churchill would suggest that the most convenient course would be to omit the second paragraph of Article 18 and to insert the words "Dominions ou Colonies" after the word "Etats" in the first paragraph (*cf.* Articles 1 and 5 of the International Refrigeration Convention† signed at Paris in 1920), while in Article 21 he would suggest the omission of the words "soit pour la totalité de ses territoires, soit seulement pour toutes ou partie de ses Colonies" and "ou des Colonies visées dans l'acte de dénonciation" and the substitution of "Gouvernement" and "Gouvernements" for "Etat" and "Etats" (compare the wording of Article 19*).

5. It will also be necessary to consider the situation of Ireland, but Mr. Churchill thinks that it would suffice if the position as regards Ireland were made clear at the time when His Majesty's ratification was deposited.

6. A copy of this letter is being sent to the India Office and the Ministry of Agriculture.

I am, &c.,

C. T. DAVIS.

* The text of these Articles was as follows:—

Article 2.—Il sera créé dans chaque Etat adhérent à la présente Convention un service gouvernemental de Phytopathologie destiné à assurer l'exécution de ces mesures.

Le service gouvernemental de Phytopathologie comprendra au minimum: 1° la création d'un ou de plusieurs établissements d'études et de recherches, scientifiques et techniques; 2° l'organisation de la surveillance efficace des cultures; 3° l'inspection des envois; 4° la délivrance des certificats phytopathologiques.

Article 3.—Les mesures visées aux paragraphes 2, 3 et 4 de l'article 2 devront être déjà réalisées au moment de la ratification ou de l'adhésion à la présente Convention.

Toutes les autres mesures visées aux articles 1 et 2 seront prises dans chaque Etat dans un délai de deux ans à partir du jour de la ratification ou de l'adhésion à la présente Convention.

Article 16.—Les Etats liés par la présente Convention ne devront pas traiter les pays non contractants plus favorablement que les Etats contractants.

Article 18.—Les Etats qui n'ont pas signé le présent engagement sont admis à y adhérer sur leur demande.

Les Colonies, sur la demande des Etats dont elles dépendent, pourront être admises à adhérer aux mêmes conditions que les Etats indépendants.

Article 19.—L'adhésion sera notifiée par la voie diplomatique au Gouvernement Italien et par celui-ci aux Gouvernements contractants ainsi qu'à l'Institut International d'Agriculture.

Article 21.—S'il arrivait qu'un des Etats contractants voulût dénoncer la présente Convention soit pour la totalité de ses territoires, soit seulement pour toutes ou partie de ses Colonies, la dénonciation sera notifiée au Gouvernement Italien qui communiquera immédiatement copie conforme de la notification à tous les autres Etats en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de l'Etat qui l'aura notifiée ou des Colonies visées dans l'acte de dénonciation et cela seulement un an après que la notification en sera parvenue au Gouvernement Italien.

† Treaty Series 1923, No. 6.

14911

No. 255.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 29th March, 1922.)

[Answered by No. 256.]

SIR,

Foreign Office, S.W.1., 28th March, 1922.

WITH reference to your letter of the 7th instant* relative to the draft Convention on Phytopathology, I am directed by the Marquess Curzon of Kedleston to state that, as Mr. Secretary Churchill is doubtless aware, the draft Convention has not yet been signed by plenipotentiaries and as such is not binding on any of the signatory Governments.

2. The alterations suggested in your letter under reply could only be introduced into the draft with the concurrence of those Powers who took part in the framing of the draft, which would appear to entail the summoning of a new conference. Lord Curzon is not aware that any such desire has been expressed by other parties and considers that, as neither His Majesty's Government nor the Government of India intend to become parties to the Convention, it would be difficult for this country to take the lead in demanding any such conference.

I am, &c.,

MILES W. LAMPSON.

14911

No. 256.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 7th April, 1922

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 28th March,† regarding the draft Convention on Phytopathology, and to request you to inform the Marquess Curzon of Kedleston that in the circumstances he agrees that no action is necessary on the part of His Majesty's Government.

2. I am to request that a copy of the reply‡ sent to the Italian Ambassador's Note of the 14th January§ may be forwarded to this office in due course.

I am, &c.,

C. T. DAVIS.

17592

No. 257.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 150.)

[MY LORD,] [SIR,]

Downing Street, 13th May, 1922.

WITH reference to [Mr. Bonar Law's despatch No. 631 of the 7th of July, 1915||] [Sir R. Munro-Ferguson's despatch No. 17 of the 22nd of January, 1915,¶] [Lord Liverpool's despatch No. 187 of the 22nd of October, 1914,** and to Mr. Bonar Law's despatch No. 366 of the 7th of July, 1915,||] [Mr. Bonar Law's despatch No. 506 of the 7th of July, 1915,||] [Mr. Bonar Law's despatch No. 345 of the 7th of July, 1915,||] I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of correspondence with the Italian Ambassador on the subject of the draft Convention on Phytopathology.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 254. † No. 255. ‡ Enclosure 2 in No. 257. § Enclosure 1 in No. 257. || 30138: not printed; this enclosed a copy of the Final Act of the International Phytopathological Conference of 1914. ¶ 10890: not printed: this notified that the Commonwealth did not desire to adhere to the Convention. ** 48145: not printed; this intimated that New Zealand could not adhere to the Convention for the present.

Enclosure 1 in No. 257.

(Translation.)

(No. 136.)

MY LORD MARQUESS,

Italian Embassy, 14th January, 1922.

As Your Lordship is aware, an International Conference on Phytopathology (the science of the treatment of plant diseases) was held at Rome in the early months of 1914, and concluded its labours with a Final Act dated 3rd March, 1914, containing the draft of a Convention which should have been signed in due course by the various States concerned.

The War broke out and signature was not proceeded with. The Italian Government is now desirous that it should take place.

The Convention is of a purely technical nature, and there ought, therefore, to be no difficulties in the way of its signature by former enemy States also. The States which have recently sprung into being as a result of the War could also be invited to adhere to the Convention.

In any case, before taking any steps in the matter, the Italian Government would be glad to learn whether the British Government have no objection to their doing so.

I have, therefore, the honour to beg Your Lordship to be kind enough to enable me to supply the above-mentioned information to my Government.

I have, &c.,

G. DE MARTINO.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c.,

&c.,

&c.

Enclosure 2 in No. 257.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 13th February, 1922.

IN reply to Your Excellency's note No. 136 of the 14th ultimo, inquiring whether His Majesty's Government are prepared to sign the draft Convention prepared by the International Conference on Phytopathology in 1914, I have the honour to state that His Majesty's Government much regret that they are unable to adhere to this Convention.

2. The reasons for this decision are explained in a letter addressed by the Minister of Agriculture to the Secretary of the International Institute at Rome, of which letter a copy is enclosed herein for the information of your Government.

I have, &c.,

S. P. WATERLOW.

His Excellency

Monsieur de Martino,

&c.

&c.,

&c.

SIR,

9th February, 1922.

I AM directed to refer to paragraph (C) in the letter enclosed with your letter of the 5th February, 1921 (No. 57558), on the subject of the Phytopathological Convention signed at Rome on the 4th March, 1914, and to say that, after having given the subject full consideration, the Government regrets its inability to adhere to the Convention.

The Ministry has described, in the Memorandum forwarded with its letter of 15th July last, its scheme for dealing with plant pathology in England and Wales, and it is understood that a similar Memorandum relating to this work in Scotland was forwarded to the Institute by the Board of Agriculture for Scotland on 25th May, 1921.

The Institute is therefore acquainted with the steps taken by the Government in relation to diseases of plants in Great Britain, which it is believed do to a large extent meet the demands of the Convention.

I am, &c.,

R. J. THOMPSON.

The Secretary,

International Institute of Agriculture,

Rome.

Enclosure 3 in No. 257.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 11th April, 1922.

WITH reference to Foreign Office note of 13th February relative to the draft Convention on Phytopathology, I have the honour to inform you that the Government of India regret that they are also precluded from ratifying this Convention.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,

(For the Secretary of State)

MILES W. LAMPSON.

His Excellency

Monsieur de Martino,

&c. &c., &c.

Note.—No replies were received to this despatch.

POLAND.

Proposed Commercial Treaty. Most-favoured-nation Clause.

33847

No. 258.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 12th July, 1922.)

[Answered by No. 259.]

Board of Trade (Commercial Relations and Treaties Department),

Great George Street, London, S.W.1, 11th July, 1922.

SIR,

I AM directed by the Board of Trade to state that negotiations for the conclusion of a Commercial Treaty have for some time past been in progress between His Majesty's Government and the Polish Government, and in this connexion I am to enclose, for Mr. Secretary Churchill's information, copy of a letter* which has been addressed to the Foreign Office on the subject.

The form of Colonial article as finally put forward by His Majesty's Government was on the usual lines, and for convenience of reference a copy is enclosed. The Polish reply is as follows:—

"The Ministry of Trade and Industry would prefer not to insert the amendment in the form proposed by the Board of Trade, as in case of its acceptance it would be necessary for the Polish Government each time that Poland agreed to grant the Colonies and India the most-favoured-nation treatment regarding imports to Poland, to satisfy themselves that the same facilities have been granted to Polish products by the Colonies and India.

"The Ministry is therefore of the opinion that the best way of settling this question would be to expedite the adherence of the Colonies and India to the Treaty, and for that reason it is not in favour of extending the term of six months to one year proposed by the Ministry for the adherence of the Colonies and India in the Treaty. It is further noticed that it is proposed to conclude the Treaty with Great Britain only for one year, and that the expiration of the Treaty with Great Britain would automatically include the expiration of the Treaty with the Colonies."

The Board's counter-proposals in regard to this matter are set out in paragraph 4 of their letter* to the Foreign Office, copy of which is enclosed herewith.

I have, &c.,

H. FOUNTAIN.

* Paragraph 4 only printed.

Enclosure 1 in No. 258.

FORM OF COLONIAL ARTICLE AS FINALLY SUBMITTED TO THE POLISH GOVERNMENT.

THE stipulations of the present Convention shall not be applicable to India or to any of His Britannic Majesty's Dominions, Colonies, Possessions or Protectorates beyond the Seas unless notice of accession shall have been given on behalf of India or of any such Dominion, Colony, Possession or Protectorate by His Britannic Majesty's Representative at Warsaw before the expiration of one year from the date of the exchange of the ratifications of the present Convention. Nevertheless, the produce of the soil or industry of India or of any of His Britannic Majesty's Dominions, Colonies, Possessions or Protectorates shall enjoy in Poland complete and unconditional most-favoured-nation treatment so long as India or such Dominion, Colony, Possession or Protectorate shall accord to the produce of the soil or industry of Poland treatment as favourable as it gives to the produce of the soil or industry of any other foreign country.

(Note.—The second sentence of the above article is objected to by the Polish Government.)

Enclosure 2 in No. 258.

(Extract.)

Board of Trade

(Commercial Relations and Treaties Department),
Great George Street, London, S.W.1, 11th July, 1922.

SIR,

4. As regards Article 4 (the Colonial Article) the Board are of opinion that an effort should be made to induce the Polish Government to accept the form of these provisions proposed by His Majesty's Government. The particular difficulty that the Polish Government would have to satisfy themselves in every case, before granting most-favoured-nation treatment to the goods of a particular British Colony, that that Colony was giving most-favoured-nation treatment to Polish goods, has, so far as the Board are aware, not been raised by any other Government, and besides could, in the Board's opinion, be surmounted by the addition of some such phrase as the following:—

"For this purpose His Majesty's Government will, through His Majesty's Representative at Warsaw, furnish to the Polish Government a list of the British Dominions, Colonies, Possessions and Protectorates which accord such treatment to the said produce of Poland and will further in the same manner notify them of any changes in the foregoing respect."

If, however, the Polish Government are not prepared to accept some such form of words, the Board consider that His Majesty's Government might ultimately agree to drop the provision objected to by the Polish Government, but in that case it ought, in the Board's view, to remain open to the British Dominions and Colonies to adhere to the Treaty at any time during its currency. It certainly does not appear reasonable to shorten the period during which adherence may take place to six months.

I have, &c.,

33847

No. 259.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 260.]

(Extract.)

SIR,

Downing Street, 31st August, 1922.

I AM directed by Mr. Secretary Churchill to request you to inform the Board of Trade that he has had under consideration your letter of the 11th July* with regard to the proposed Commercial Treaty with Poland.

* No. 258.

3. As regards the particular question raised in your letter under reference, Mr. Churchill would be reluctant to agree to the entire omission of the provision by which most-favoured-nation treatment can be secured for the produce or manufacture of a non-adhering Dominion or Colony, so long as such Dominion or Colony accords similar treatment to Polish goods. At the same time the alternative proposal in the fourth paragraph of your letter to the Foreign Office of the 11th July* does not appear to him altogether suitable, and he would suggest in place of the words proposed by the Board of Trade the addition to the Article of the following words:—

"For this purpose, His Majesty's Representative at Warsaw will, at the request of the Polish Government, make inquiries as to whether any particular self-governing Dominion, Colony, Possession, or Protectorate accords to the produce of the soil or industry of Poland treatment as favourable as it gives to the produce of the soil or industry of any other foreign country."

4. It will be necessary, at some stage in the negotiations, to make clear the position of the Irish Free State on the lines suggested in the letter from this Department of the 11th August,† regarding the proposed Commercial Treaty with Czecho-Slovakia.

5. A copy of this letter is being sent to the Foreign Office.

I have, &c.,

C. T. DAVIS.

44089

No. 260.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 4th September, 1922.)

[Answered by No. 261.]

Board of Trade (Commercial Relations and Treaties Department),

Great George Street, London, S.W.1, 2nd September, 1922.

SIR,

WITH reference to your letter of 31st August‡ and previous correspondence on the subject of the proposed Commercial Treaty with Poland, I am directed by the Board of Trade to forward, for the information of Mr. Secretary Churchill, copy of a letter§ which they have addressed to the Foreign Office, enclosing a proposed English text of the treaty.

With regard to paragraph 3 of your letter under reply I am to say that the Polish Government are understood to have put forward a proposal to the effect that any part of the Empire notified to them as giving most-favoured-nation treatment, and therefore enjoying the benefits accorded by the second paragraph of Article IX of the enclosed draft|| shall be regarded as definitely committed to such most-favoured-nation treatment for the remainder of the current year, i.e., if the treaty were signed on 5th February, 1923, and on 7th March His Majesty's Representative at Warsaw notified that a particular Dominion granted most-favoured-nation treatment to Polish goods that Dominion would be bound to continue such treatment until 5th February, 1924, and to give three months' notice of its intention to discontinue such treatment.

* Enclosure in No. 258. † No. 54. ‡ No. 259. § Not printed; it dealt with the provisions of the proposed Treaty generally and was not relevant to the present question. || Not printed. Article IX of the draft read as follows:—

The stipulations of the present Treaty shall not apply to any part of His Britannic Majesty's territories outside the United Kingdom unless notice is given by His Britannic Majesty's representative at Warsaw of the desire of the Government of such part of His Britannic Majesty's territories that the said stipulations shall be so applicable. Nevertheless, the produce of the soil or industry of any part of His Britannic Majesty's territories outside the United Kingdom shall enjoy in Poland complete and unconditional most-favoured-nation treatment so long as such part of His Britannic Majesty's territories shall accord to the produce of the soil or industry of Poland treatment as favourable as that accorded to the produce of the soil or industry of any other foreign country. For this purpose His Britannic Majesty's representative at Warsaw will at the request of the Polish Government make inquiries as to whether any specified part of His Britannic Majesty's territories accords to the produce of the soil or industry of Poland treatment as favourable as it gives to the produce of the soil or industry of any other foreign country.

It appears to the Board to be difficult to accept an amendment on these lines, and that it would be simpler from the point of view of the Dominions to adhere to the Treaty under the first paragraph of Article IX and to subject the agreement to termination under Article X. The Board would, however, be glad to learn Mr. Churchill's views as to the attitude which should be adopted by His Majesty's Government in the event of the amendment being pressed by the Polish Government, and in particular as to whether it would not be preferable to withdraw the second paragraph of Article IX in that event.

I have, &c.,

J. J. WILLS.

44089

No. 261.

COLONIAL OFFICE to BOARD OF TRADE.

(Extract.)

SIR,

Downing Street, 9th September, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 2nd September,* regarding the proposed Commercial Treaty with Poland.

2. Mr. Churchill concurs in the view that the counter-proposal of the Polish Government as indicated in the Note to Article IX of the English text of the draft Treaty is impracticable, and that, if the Polish Government are unable to accept the proposal put forward in paragraph 3 of the letter from this Department of the 31st August† and embodied in the second paragraph of Article IX of the English text, it would be preferable to withdraw the second paragraph of the Article entirely. He hopes, however, that this course will not be found necessary, and that the Polish Government will be induced to accept the Article in its present form.

5. A copy of this letter is being sent to the Foreign Office.

I am, &c.,

C. T. DAVIS.

Note.—The Board of Trade concurred in the view expressed in paragraph 2 of the above letter, and instructions were sent to His Majesty's representative at Warsaw accordingly. No further communication on the subject had been received up to the end of 1922.

PROPERTY RIGHTS AND INTERESTS.

Agreement under Article 297 Treaty of Peace with Germany.

(Treaty Series, 1921, No. 26.)

57012

No. 262.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Commonwealth of Australia. No. 441.)

(Union of South Africa. No. 337.)

[MY LORD,] [SIR,]

Downing Street, 7th December, 1922.

WITH reference to my predecessor's despatch, Dominions No. 31 of the 26th January,‡ I have the honour to request [Your Excellency] [Your Royal Highness] to inform your Ministers that the German Ambassador has inquired, under instructions from his Government, whether the agreement of the 31st December, 1920, between the British and German Governments respecting Article 297 of the Treaty of Versailles could be extended so as to include the self-governing Dominions other than New Zealand, to which it has already been extended.

* No. 260. † No. 259. ‡ 2507: not printed; this forwarded copies of the Agreement as published (Treaty Series, 1921, No. 26).

2. I should be glad to learn your Ministers' views as to the reply to be returned to the German Ambassador. Should it be considered that, at this date, there would not be sufficient practical advantage to justify the extension of the Agreement to the [Commonwealth of Australia,] [Union of South Africa,] it would, no doubt, be of advantage if your Ministers could supply a statement, for communication to the German Ambassador, showing their practice as regards the matters dealt with in Articles 11 and 13.

[To Union of South Africa: It is observed from Section 1 of Proclamation No. 148 of 1920, a copy of which was enclosed in Lord Buxton's despatch No. 626 of the 3rd September, 1920,* that it is the practice to release all property in the Union belonging to German nationals who were resident or domiciled in the Union at the outbreak of War.]

I have, &c.,
DEVONSHIRE.

RUSSIA.

Trade Agreement. [Cmd. 1207.]

2209

No. 263.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 14th January, 1922.)

[Answered by No. 264.]

(No. 755.)

SIR,

Government House, Ottawa, 31st December, 1921.

WITH reference to your despatch No. 563, of the 15th October last,† inquiring whether the Canadian Government would concur in the terms of a formula which it was proposed to embody in notes to be exchanged between the Foreign Office and the Russian Trade Delegation in regard to Canada's participation in the arrangement for the resumption of trade with Russia, I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada stating that the proposed formula is approved by the Canadian Government.

It was upon this Minute that my telegram of the 28th instant‡ was based.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 263.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 26TH DECEMBER, 1921.

(P.C. 4667.)

THE Committee of the Privy Council have had before them a report, dated 17th December, 1921, from the Right Honourable the Secretary of State for External Affairs, to whom was referred a despatch from the Right Honourable the Secretary of State for the Colonies, dated 15th October, 1921, regarding the desire of the Canadian Government to participate in the arrangement for the resumption of trade with Russia, proposing a formula to be embodied in notes to be exchanged between the Foreign Office and the Russian Trade Delegation with the object of making applicable to Canada the provisions of the Trade Agreement between the Government of the United Kingdom and the Russian Soviet Government, and inquiring whether Your Excellency's Ministers would concur in the terms of such formula.

The Minister, with the concurrence of the Minister of Trade and Commerce, states that the proposed formula is approved by the Canadian Government.

* 46994: not printed; it enclosed a copy of the Proclamation.

† No. 236 in Dominions No. 81.

‡ No. 238 in Dominions No. 81.

The Committee, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Excellency may be pleased to inform the Right Honourable the Secretary of State for the Colonies to this effect by telegraph. 121

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

6603

No. 264.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 85.)

MY LORD,

Downing Street, 16th February, 1922.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 755, of the 31st of December, 1921,* and to transmit to you, for the information of your Ministers, copies of notes which have been addressed to the Russian Trade Delegation regarding the desire of the Canadian Government to participate in the arrangement for the resumption of trade with Russia.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 264.

(N. 10059/9457/38.)

SIR,

Foreign Office, S.W.1, 6th September, 1921.

I AM directed by the Marquess Curzon of Kedleston to refer to your note J.B./717, of the 29th ultimo, regarding the journey of Mr. Mackie and Mr. Wilgress to Russia, and to point out that Mr. Mackie is not, as stated in your note under reference, a member of the Canadian Government, but is a Member of the Canadian Parliament.

I am, &c.,

J. D. GREGORY.

Monsieur Behrzin,

Russian Trade Delegation,

128, New Bond Street, W.

Enclosure 2 in No. 264.

(N. 986/567/38.)

SIR,

Foreign Office, S.W.1, 8th February, 1922.

I AM directed by the Secretary of State for Foreign Affairs to refer to Foreign Office letter No. N. 10058[9]/9457/38, of the 6th September last, and previous correspondence regarding the visit of Colonel Mackie to Russia, and the desire of the Canadian Government to be associated with the Anglo-Russian trade agreement.

2. The Canadian Government have now requested His Majesty's Government to ascertain whether the Soviet Government would be willing to agree to an exchange of notes confirming the fact that the Canadian Government are associated with His Majesty's Government in the terms of the Anglo-Russian trade agreement.

3. I am, therefore, to request you to be good enough to consult your Government as to whether they would agree to an exchange of identic notes in the following terms:—

"The Government of the Dominion of Canada having expressed their desire that the provisions of the agreement between the Government of the United Kingdom and the Russian Soviet Government for the resumption of trade and commerce between the two countries, which was signed at London, on the 16th day of March, 1921, should apply also to Canada, and to merchandise the produce and manufacture of Canada, it is hereby agreed that the provisions of that agreement shall as from

* No. 263.

the date of the present agreement be held to apply to the Dominion of Canada and to govern the relations between Canada and Russia."

I am, &c.,

J. D. GREGORY.

Monsieur Krassin,
Russian Trade Delegation,
128, New Bond Street, W.1.

21782

No. 265.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 266.]

(No. 261.)

MY LORD,

Downing Street, 24th May, 1922.

WITH reference to my despatch No. 85 of the 16th February,* I have the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of further correspondence with the Russian Trade Delegation, relating to the adhesion of Canada to the Russian Trade Agreement of the 16th March, 1921.†

2. I should be glad to receive an expression of your Ministers' views as to the representation of Canada in Russia under the agreement.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 265.

(N 2877/567/38.)

SIR,

Russian Trade Delegation, 24th March, 1922.

I AM directed by Mr. Berzin to refer to your letter of the 8th February‡ from our Government and to agree to an exchange of identical notes in the terms mentioned in paragraph three of the letter above-mentioned, as follows:—

"The Government of the Dominion of Canada having expressed their desire that the provisions of the Agreement between the Government of the United Kingdom and the Russian Soviet Government, for the resumption of trade and commerce between the two countries, which was signed at London, on the 16th day of March, 1921, should apply also to Canada, and to merchandise the produce and manufacture of Canada, it is hereby agreed that the provisions of that Agreement shall, as from the date of the present Agreement, be held to apply to the Dominion of Canada, and to govern the relations between Canada and Russia."

As to the personnel of the Delegation, Mr. Berzin would like to know the views of the Canadian Government on this matter, and also would like to have the name of the person with whom negotiations can be conducted with reference to this matter.

I am, &c.,

N. KLISHKO,

The Under Secretary of State for Foreign Affairs,
Foreign Office,
Whitehall, S.W.1.

Enclosure 2 in No. 265.

(N 3819/567/38.)

SIR,

Foreign Office, S.W.1, 6th May, 1922.

I AM directed by the Marquess Curzon of Kedleston to acknowledge the receipt of your memorandum (No. IB/8147) of 24th March last, stating that the Soviet Government agree to an exchange of notes with His Majesty's Government providing for the adhesion of Canada to the Trade Agreement of 16th March.

* No. 264.

† Published as [Cmd. 1207].

‡ Enclosure 2 in No. 264.

2. Communications on this subject from the Soviet Government should continue to be addressed to the Foreign Office as heretofore. 122

3. No information is at present available about the intentions of the Canadian Government respecting their representation in Russia under the Agreement, but inquiries are being made and the result will be communicated to you in due course.

4. The Foreign Office are ready to proceed with the exchange of notes at any time convenient to Monsieur Berzin.

I am, &c.,

ESMOND OVEY.

Monsieur Berzin,

Russian Trade Delegation,
128, New Bond Street, W.1.

31759

No. 266.

CANADA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd July, 1922.)

[Answered by Nos. 267 and 268.]

(No. 355.)

SIR,

Government House, Ottawa, 21st June, 1922.

WITH reference to your despatch No. 261 of the 24th May,* in regard to the question of Canada's adhesion to the Russian Trade Agreement of the 16th March, 1921, I have the honour to inform you that the Minister of Trade and Commerce is of the opinion that all future negotiations between Canada and the Russian Soviet Government of Russia, or the Russian Trade Delegation in London, should be conducted as foreign negotiations are usually conducted by Canada, that is to say, through His Majesty's Colonial and Foreign Offices.

As to the representative to be sent to Russia, the Minister would submit the name of Mr. Leonlyn Dana Wilgress, a Canadian Trade Commissioner regularly on the staff of the Department of Trade and Commerce, who is at present on special duty in London. The Minister would be glad to instruct Mr. Wilgress to proceed to Russia at such time as may be deemed expedient, and to open an office at such point as may hereafter be considered desirable, it being understood that Mr. Wilgress's duties will be confined wholly to carrying out such instructions as he may receive from the Department of Trade and Commerce with regard to the extension of Canadian trade in Russia.

I have, &c.,

L. H. DAVIES,

Deputy Governor-General.

32721

No. 267.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 364.)

[MY LORD,

Downing Street, 24th July, 1922.

WITH reference to Sir L. H. Davies' despatch No. 355 of the 21st of June,† I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of notes exchanged between the Foreign Office and the Russian Trade Delegation regarding the application to the Dominion of Canada of the provisions of the Anglo-Russian Trade Agreement of the 16th of March, 1921.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 265.

† No. 266.

Enclosure 1 in No. 267.

SIR,

Foreign Office, 3rd July, 1922.

I AM directed by the Earl of Balfour to inform you that the Government of the Dominion of Canada having expressed their desire that the provisions of the Agreement between the Government of the United Kingdom and the Russian Soviet Government for the resumption of trade and commerce between the two countries, which was signed at London on the 16th day of March, 1921, should apply also to Canada, and to merchandise the produce and manufacture of Canada, it is proposed that the provisions of that Agreement shall be held to apply to the Dominion of Canada and to govern the relations between Canada and Russia.

2. Should your Government agree to this proposal, I am to request that you will address to me a note in confirmation of this arrangement, which may then be regarded as being completed, and having full effect as from the date of the present exchange of notes.

I am, &c.,
ESMOND OVEY.

M. Berzin,
Russian Trade Delegation,
43, Moorgate Street, E.C.2.

Enclosure 2 in No. 267.

(N 6401/567/38.)

Russian Trade Delegation,
128, New Bond Street, W.1, 3rd July, 1922.

SIR,

I AM directed by M. Tchitcherine, the People's Commissar for Foreign Affairs, to acknowledge the receipt of your note of to-day's date, informing me that the Government of the Dominion of Canada having expressed their desire that the provisions of the Agreement between the Government of the United Kingdom and the Russian Soviet Government for the resumption of trade and commerce between the two countries, which was signed at London on the 16th day of March, 1921, should also apply to Canada, and to merchandise the produce and manufacture of Canada, it is proposed that the provisions of that Agreement shall be held to apply to the Dominion of Canada and to govern the relations between Canada and Russia.

I am to inform you in reply that my Government agree to this arrangement, which is regarded as being completed and having full effect as from to-day's date.

I have, &c.,
J. BERZIN,
Assistant Official Agent.

The Rt. Honourable A. J. Balfour, O.M., M.P.,
&c., &c., &c.,
Foreign Office, Whitehall, S.W.1.

43390

No. 268.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 269.]

(No. 446.)

MY LORD,

Downing Street, 13th September, 1922.

WITH reference to Sir L. H. Davies' despatch No. 355 of the 21st of June,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a despatch from His Majesty's Representative at Moscow relative to the appointment of Mr. L. D. Wilgress as Canadian Trade Representative in Russia.

I have, &c.,
WINSTON S. CHURCHILL.

* No. 266.

Enclosure in No. 268.

(No. 627.)

British Commercial Mission,
Moscow, 22nd August, 1922.

MY LORD MARQUESS,

WITH reference to Mr. Gregory's despatch No. 762 of 29th July, I have the honour to report that Mr. Karakhan informed me yesterday that his Government was agreeable to the appointment of Mr. Wilgress as Canadian representative in Russia under the Trade Agreement.

2. I consider that Mr. Wilgress would do well to take up his duties in the near future.

3. I should be glad to know beforehand what accommodation he is likely to require, what staff (if any) he is bringing with him, and whether he wishes me to approach the Russian authorities with a view to securing a house for him.

I have, &c.,
R. M. HODGSON.

The Right Honourable
The Marquess Curzon of Kedleston, P.C., K.G.,
&c., &c., &c.

50677

No. 269.

CANADA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th October, 1922.)

(No. 533.)

SIR,

Government House, Ottawa, 30th September, 1922.

WITH reference to your despatch No. 446 of the 13th instant,* regarding the appointment of Mr. L. D. Wilgress as Canadian Trade Commissioner in Russia, I have the honour to inform you that, during the recent visit to England of the Honourable James A. Robb, Minister of Trade and Commerce, he was given to understand that at the present time all buying for Russia is done through the Russian Trade Delegation in London. For the present, therefore, the appointment of a Canadian Trade Commissioner in Russia will be deferred.

I have, &c.,
L. H. DAVIES,
Deputy Governor-General.

SIAM.

Revision of Commercial Treaties, Restriction on Immigration.

2084

No. 270.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.45 a.m., 13th January, 1922.)

TELEGRAM.

13TH JANUARY. Your despatch 19th July, Dominions No. 285, Confidential,† Commercial Treaty, Siam. Government of Commonwealth of Australia asks that in draft Treaty now being prepared provision be made for modification of Article I of the Treaty of 1855 so as to safeguard the right of Commonwealth to control composition of its population by means of its own immigration laws.—GOVERNOR-GENERAL.

* No. 268.

† No. 240 in Dominions No. 81.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 6th February, 1922.)

SIR,

Foreign Office, S.W.1, February 3rd, 1922.

I AM directed by the Marquess Curzon of Kedleston to acknowledge receipt of your letter of the 17th ultimo,* relative to the request of the Australian Government that in the revision of the Anglo-Siamese treaties provision should be made to safeguard the right of the Commonwealth Government to exercise control over immigration.

2. Lord Curzon is advised that Article 1 of the existing treaty of 1855 probably presents no treaty objection in its present form to the Australian immigration laws. Although this Article provides that all British subjects, once they have been admitted to Siam, "shall receive full protection and assistance to enable them to reside in Siam in all security" it does not appear to prevent the Siamese Government from controlling the admission of British subjects in the first instance, a right which is of course reciprocal.

3. If, nevertheless, Mr. Secretary Churchill or the Government of Australia are of the opinion that there is any valid doubt as to the interpretation of the treaty in its present form, Lord Curzon will consider further what action should be taken when the revision of the treaties takes place to safeguard the right of the Australian Government to regulate immigration. In such an event it would of course be necessary that any modification of the present treaty should not be such as to weaken the position taken up by His Majesty's Government in regard to the interpretation of other existing treaties which bear upon the operation of the immigration laws.

4. A copy of this letter is being forwarded to the Board of Trade and copies of the correspondence are being sent to His Majesty's Minister at Bangkok for his observations as to the likelihood of the Siamese Government wishing to challenge the right of the Australian Government to control immigration under the existing treaties. It is understood that Siamese immigrants are, in fact, almost totally excluded from Australia.

I am, &c.,

V. WELLESLEY.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.2 p.m., 30th June, 1922.)

TELEGRAM.

[Answered by No. 275.]

30TH JUNE. Confidential. Your despatch 10th January Dominions No. 8 Confidential;† Commercial Treaty with Siam. Draft treaty contains nothing to which Government of Commonwealth of Australia desires to take objection. It is desired, however, that as requested in my telegram 13th January,‡ provision may be made for amendment Article 1 of the Treaty 1855, so as to safeguard rights of Commonwealth to control composition of population by means of its own immigration Act. Ministers suggest consideration some provision on lines of Article 15 American Siamese Treaty, 1920, would meet case without offending susceptibilities of Siamese.—GOVERNOR-GENERAL.

* 2084: not printed; it asked for observations on No. 270. † 1964: not printed; it enclosed a copy of the draft treaty. ‡ No. 270.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 18th September, 1922.)

[Answered by No. 274.]

SIR,

Foreign Office, S.W.1, 14th September, 1922.

WITH reference to Colonial Office letter of July 11th last,* I am directed by the Marquess Curzon of Kedleston to transmit, for the observations of Mr. Secretary Churchill, a copy of a letter which is being addressed by this Department to the Board of Trade, together with a revised draft of the proposed Anglo-Siamese Commercial Treaty.†

2. Mr. Churchill will observe the alterations and additions which have been made in order to meet the wishes of the Australian Government; and also the manner in which special provision has been made to safeguard the position of subjects of British protected States, as recommended in the enclosure to Colonial Office letter of January 18th last.‡

3. Lord Curzon would also call attention to enclosure 2 in the letter to the Board of Trade, which embodies the observations of His Majesty's Minister at Bangkok on the subject of Australia and Siamese immigration.

5. A copy of the reply to the Board of Trade, together with the revised draft of the treaty is also being forwarded to the India Office.

I am, &c.,

V. WELLESLEY.

Enclosure 1 in No. 273.

SIR,

Foreign Office, S.W.1, 14th September, 1922.

WITH reference to Board of Trade letter of July 10th last, I am directed by the Marquess Curzon of Kedleston to transmit for the observations of the Board of Trade a revised draft of the proposed Anglo-Siamese Commercial Treaty.

2. It will be observed that certain additions and modifications have been made in the draft submitted by the Board of Trade with their letter of November 10th, 1921. These alterations have been inserted for the most part in order to assimilate the draft to the proposed new model form for treaties of commerce and navigation as sent semi-officially to Mr. Fountain in Mr. Malkin's letter of August 21st last. This has entailed the addition of Articles Ten, Eleven and Twelve to the original draft.

3. The wishes of the Australian Government, which are dealt with in paragraphs 1 to 4 of the Board of Trade letter under reference, have been met in two ways; and a double safeguard is provided for the Immigration Laws of the Commonwealth. In the first place, Article X., copied from Article XV. of the United States of America-Siam Treaty of 1921, has been inserted with the omission of the word "trade." In the second place, the Board of Trade's suggestion (b) has been followed in Article XI., paragraph 2; and Australia or any other British dominion, colony, &c., will be free at one year's notice to withdraw from the Treaty altogether, as well as from earlier commercial treaties with Siam, including the 1855 treaty. This is effected by means of a schedule of the old treaties.

4. These alterations have necessitated a revision of Article IX. and a slight addition to the preamble of the draft Treaty.

5. With regard to the request of the Colonial Office relative to the position of subjects of British protected States, special provision has been made in paragraph 4 of Article XI.

6. I am further directed to enclose, herewith, a copy of despatch No. 52 of March 23rd,§ from His Majesty's Minister at Bangkok, dealing with the question of Australia and Siamese immigration.

7. Copies of this letter with the revised draft of the Treaty are being forwarded to the India Office and Colonial Office.

I am, &c.,

VICTOR WELLESLEY.

* 31806: not printed; it enclosed a copy of No. 272. † Articles 4, 9, 10 and 11 printed here. ‡ 56343: not printed; it enclosed a copy of a letter to the Board of Trade suggesting that provision should be made in the proposed Treaty for participation by the subjects of British Protected States in any benefits which might accrue to British subjects under the Treaty. § Enclosure in No. 275.

DRAFT TREATY BETWEEN THE UNITED KINGDOM AND SIAM.

Article 4.—Export Duties.

Articles of export from the time of production to the date of shipment shall pay one impost only, whether this be levied as an inland or transit duty or paid on exportation. Goods or produce which pay any description of tax in the interior shall be exempted from any further payment of duty on exportation.

The tariff of export and inland duties appended to the treaty of 15th April, 1855, is hereby repealed.

The export duty on rice shall not exceed 25 cents per picul, and no export duty shall be levied on timber or minerals of any kind. It is understood that if export duties are levied on any other commodity, no other or higher duties shall be levied on the exportation of any such commodity to any part of the territories of His Britannic Majesty than those paid on the like article exported to any other foreign country.

Article 9.—Application of Articles 1 and 2.

The provisions of Articles 1 and 2 shall not be made applicable to British subjects unless and until rates of duty at least as high are applied to subjects of all other countries. Any concession in the matter of rates of duty which Siam may accord to articles of produce or manufacture of any other country shall simultaneously and unconditionally, without request and without compensation, be extended to articles the produce or manufacture of any territory to which under Article 11 the provisions of the present Treaty apply.

Article 10.—Nationality, Immigration and Public Security Legislation.

It is understood by the Contracting Parties that the stipulations contained in the present Treaty do not in any way affect, supersede or modify any of the laws, ordinances or regulations with regard to naturalisation, immigration, police or public security which are in force or which may be enacted in Siam or in any part of the British Empire.

Article 11.—Application of the New Treaty.

The stipulations of the present Treaty shall be applicable in addition to the United Kingdom to all His Britannic Majesty's self-governing Dominions, Colonies and Possessions, and to all British Protectorates and protected States.

Notice may, however, be given at any time by either Contracting Party that the stipulations of the present Treaty and of the treaties, agreements and exchanges of notes enumerated in the schedule hereto shall no longer apply to any self-governing Dominion, Colony, Possession, Protectorate or protected State on the expiration of one year from the date of such notice. In that event the goods produced or manufactured in such self-governing Dominion, Colony, Possession, Protectorate or protected State shall, so long as it shall accord to goods the produce or manufacture of Siam treatment as favourable as it gives to the produce or manufacture of any other foreign country, enjoy in Siam complete and unconditional most-favoured-nation treatment.

His Britannic Majesty shall have the right, by giving twelve months' notice to that effect, to apply the stipulations of the present Treaty to any territory in respect of which a Mandate on behalf of the League of Nations has been conferred upon His Britannic Majesty. In that case the provisions of the preceding paragraph of this article will apply to the said territory.

It is understood that the provisions of the present Treaty and of the treaties, agreements and exchanges of notes enumerated in the schedule hereto which apply to British subjects shall be deemed to apply, as regards commercial matters, to natives of all British Protectorates and protected States, and to the natives of any Mandated Territory to which the stipulations of the present Treaty may apply.

COLONIAL OFFICE to FOREIGN OFFICE.

(Extract.)

SIR,

Downing Street, 15th November, 1922.

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letters of the 14th September* and of the 1st November† with regard to the proposed Commercial Treaty with Siam.

2. It is observed that it is proposed to cover the point raised by the Government of the Commonwealth of Australia in two ways:—

(a) by the insertion of Article 10 of the draft Treaty.

(b) by the insertion of a provision in Article 11 as to separate termination of existing Treaties with Siam in respect of the Dominions and Colonies.

3. The Secretary of State feels considerable doubt whether the first of these proposals is either necessary or desirable. No question has hitherto arisen as to the validity of the Australian Immigration Regulations in view of Article 1 of the Treaty with Siam of 1855, and, according to the despatch from H.M.'s Minister at Bangkok, of which a copy was enclosed in your letter of the 14th September, the question is unlikely to arise in practice. Moreover, the raising of the question in this case might give rise to doubts as to the application of Immigration Regulations, to subjects or citizens of other States with which there exist Treaties containing similar provisions to Article 1 of the Treaty of 1855. In this connection I am to invite reference to your letter of the 6th December, 1920,‡ concerning the New Zealand Immigration Restriction Bill. In the circumstances it would appear desirable, if Lord Curzon agrees, that an endeavour should be made to induce the Commonwealth Government to withdraw their suggestion.

4. As regards the second proposal, the Treaties with Siam are almost entirely unilateral, and it is unlikely that the necessity will arise on the British side for their separate termination in respect of any of the Dominions or Colonies. On the other hand, if Siam were to terminate separately in respect of, e.g. the Malay States, the results might be unfortunate.

5. In the circumstances, I am to suggest that (assuming that the Commonwealth Government are prepared to withdraw their suggestions as to the insertion in the Treaty of provisions relating to immigration regulations) the most desirable course would be as follows:—

(1) To omit Articles 10 and 11 of the draft Treaty.

(2) At the end of Article 4 after "the territories of His Britannic Majesty," to insert the words "(including territories under the protection of His Britannic Majesty and territories in respect of which a Mandate on behalf of the League of Nations has been accepted by His Britannic Majesty)."

(3) For the last three lines of Article 9 to substitute "articles the produce or manufacture of any part of His Britannic Majesty's territories as defined in Article 4."

(4) To insert a provision to the effect that the stipulations of the present Treaty and of the other Treaties, &c., enumerated in the Schedule, which apply to British subjects, shall be deemed to apply, as regards commercial matters, to natives of any of His Britannic Majesty's Protectorates and Protected States or of any territory in respect of which a Mandate on behalf of the League of Nations has been accepted by His Britannic Majesty.

9. I am to enclose a copy of a despatch§ which has been sent to the Governor-General of the Commonwealth pending further consideration of the matter.

10. A copy of this letter is being sent to the Board of Trade.

* No. 273. † No. 54377: not printed; it enclosed a copy of a letter from the Board of Trade suggesting certain modifications in the draft Treaty. ‡ 60042: not printed; it enclosed a copy of a Foreign Office Memorandum on the provisions in various Commercial Treaties relating to entry and residence. § No. 275.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD, Downing Street, 15th November, 1922.
 WITH reference to Your Excellency's telegram of the 30th June,* I have the honour to transmit to you, to be laid before your Ministers, a copy of a despatch from His Majesty's Minister at Bangkok regarding the suggestion that provision should be made in the proposed Commercial Treaty with Siam safeguarding the right of the Commonwealth Government to control immigration.

2. The communication of this despatch was delayed while the terms of the Treaty were further examined, and I hope to be able to communicate the views of His Majesty's Government to you by telegraph at an early date.

I have, &c.,
 DEVONSHIRE.

Enclosure in No. 275.

MY LORD, British Legation, Bangkok, 23rd March, 1922.
 IN reply to Your Lordship's despatch No. 21 of the 3rd ultimo, inviting my views as to the powers which the Government of the Commonwealth of Australia would retain under a new Anglo-Siamese Treaty of controlling the immigration of Siamese into Australia, I have the honour to observe that it is improbable that in the immediate future any Siamese will think of emigrating there and I do not consider the question need come up for discussion at all. If, however, it were to do so, it is quite certain that in their present frame of mind no Siamese Government could or would dream of signing a Treaty with a Foreign Power which was not based on the idea of strict equality and perfect reciprocity. In this respect I venture to draw Your Lordship's attention to Article 1 of the recent Siamese-American Treaty, which lays down that not only may citizens and subjects of the two countries enter, travel and reside in the territories of the other, but that they may own or lease and occupy houses (though not land), and it is not conceivable, after obtaining such flattering and generous terms from the most reactionary Government in the world in the matter of the immigration of the coloured races, that the Siamese would admit of any unilateral arrangement with the British Empire of a nature to limit their rights under the new Treaty. If, however, the question is not first raised by us, I do not think the Siamese will do so, and it is at least possible that they would not contest the local legislation of our self-governing Dominions with regard to immigration were any isolated case to occur. At any rate it seems worth while taking the risk.

It must also not be overlooked that the tin mining interest in the Malay Provinces of Siam is largely in the hands of Australian syndicates who have invested much capital and employ in their undertakings a considerable number of Australian mining engineers. It would be unfortunate if, in an attempt to safeguard the Australian Government against a somewhat remote contingency, a practical issue were raised which might immediately affect in a detrimental manner Australian capital and experts.

I have, &c.,
 R. H. GREG.

* No. 272.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 337.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,] Downing Street, 4th September, 1922.
 WITH reference to my despatch Dominions No. 264 of 31st of July,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of Notes exchanged between His Majesty's Ambassador at Madrid and the Spanish Minister for Foreign Affairs regarding the question whether British imports into Spain would benefit under the most-favoured-nation clause of the Anglo-Spanish Agreement of 1894 by the reductions in the tariff recently granted to French and Swiss goods by the Commercial Treaties concluded between Spain and those two countries.

2. As regards the negotiations for a Commercial Treaty referred to in the correspondence, I would invite reference to the statement made by the President of the Board of Trade in the House of Commons on the 3rd of August, which is reproduced on page 146 of the *Board of Trade Journal* of the 10th of August. Copies of the Treaty as signed will be communicated to you when available.

I have, &c.,
 WINSTON S. CHURCHILL.

Enclosure 1 in No. 276.

(W 6175/1/41.)

YOUR EXCELLENCY, British Embassy, Madrid, 15th July, 1922.
 SEVERAL letters having been addressed lately to this Embassy by British exporters inquiring whether British goods imported into Spain will benefit under the most-favoured-nation clause of the Commercial Arrangement between Spain and Great Britain of 1894 by the concessions granted by Spain to French and Swiss goods in the Treaties recently concluded with those two countries, I have the honour to inform Your Excellency that, in order to avoid possible difficulties arising, I put this question yesterday to the Spanish Commercial Delegation for the negotiation of Treaties of Commerce. I stated that I had no doubt that the view of His Majesty's Government would be that so long as the arrangement of 1894 was in force British goods were entitled to most-favoured-nation treatment on entry into Spain, and that subsequent legislation could not modify or reduce the value of treaty stipulations. As, however, the question had been raised, I wished to have a clear ruling by the competent Spanish Authorities before answering the letters addressed to me on the subject, as I did not want British exporters to forward goods to Spain in the belief that they would receive reduction in the Tariff and then find that this view might be questioned by the Spanish Customs. The majority of the members of the Spanish Commercial Delegation were of the opinion that British goods should benefit by the French and Swiss Treaties so long as the agreement of 1894 remains in force, but as the opinion of the Commission was not unanimous I have thought it advisable to address this Note to Your Excellency in order to obtain a clear ruling on the subject.

I venture once again to emphasize the view which is held by all the members of the British Delegation, and is undoubtedly that of His Majesty's Government, that during the existence of the 1894 arrangement British goods are unquestionably entitled to most-favoured-nation treatment, and to express the hope that I may receive from Your Excellency a reply to this effect with the least possible delay, in

* 35916: not printed; it enclosed a copy of the notice on pp. 69-73 of the *Board of Trade Journal* of the 20th July, as to the Commercial Convention between France and Spain.

view of the fact that the French Treaty comes into operation to-day. I need hardly point out that a refusal to recognize this might seriously prejudice the prospects of the Commercial Treaty now under discussion, which, if signed, will supersede the arrangement of 1894, and so *ipso facto* solve the question.

I avail myself, &c.,
ESMÉ HOWARD.

His Excellency
D. Joaquín Fernández Prida,
Minister of State.

Enclosure 2 in No. 276.

Translation.

(No. 192.)

SIR, Madrid, 18th July, 1922.
IN reply to your note of the 15th instant, in which you ask me to transmit to you the opinion of His Majesty's Government on the order of the application of the benefits conceded to a third country, on British goods, in view of the most-favoured-nation clause inserted in the Commercial Agreement of 1894, I have the honour to inform Your Excellency that His Majesty's Government has decided that during the existence of the said Commercial Treaty between Spain and the United Kingdom, goods originating from Great Britain and her Dominions will have the right to enjoy such benefits and advantages as may be conceded to a third contracting Power.

I avail myself, &c.,
FERNÁNDEZ PRIDA.

To
His Excellency
Sir Esmé Howard,
British Ambassador,
Madrid.

44944

No. 277.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 3.10 p.m., 25th September, 1922.)

TELEGRAM.

[Answered by Nos. 278, 281 and 282.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

25TH SEPTEMBER. New Commercial Treaty with Spain, outline of which given in statement by President of Board of Trade in House of Commons on 3rd August, and reprinted in *Board of Trade Journal* of 10th August, not yet signed.

In addition to special advantages mentioned in statement, Treaty accords general most-favoured-nation treatment on British side to Spanish goods, but as policy of Spanish Government is not to grant general most-favoured-nation treatment to any country, Treaty does not contain formal stipulation for general most-favoured-nation treatment for British goods. Similarly, not found practicable to include in Treaty provision on usual lines, securing most-favoured-nation treatment to non-accessing parts of Empire, while they continue to give most-favoured-nation treatment to Spain. Exchange of Notes, 1894, providing for reciprocal most-favoured-nation treatment as between Spain and Dominions and Colonies will lapse when Treaty comes into force.

While applying, in first instance, on British side, to United Kingdom only, Treaty contains accession clause for other parts of Empire. Feared, however, no prospect of inducing Spanish Government after Treaty has come into force, to

grant to Dominions and Colonies, pending accession to Treaty or other arrangements for regulating their commercial relations with Spain even in return for general most-favoured-nation treatment, benefit of lower rates than Second Column of Spanish Tariff published in *Board of Trade Journal* of 23rd February, as such are given only in return for special privileges. Apprehended, indeed, that unless other arrangements made, Spanish Government may subject Dominions and Colonies to duties in First Column of Spanish Tariff. In order to avoid this, suggested that there should be exchange of Notes guaranteeing for produce or manufacture of Dominions and Colonies rates in Second Schedule of Spanish Tariff, so long as Dominion or Colony concerned gives Spanish goods most-favoured-nation treatment. Please telegraph whether your Government concur, and whether, if necessary, in order to obtain rates in Second Schedule of Spanish Tariff, they would be prepared to undertake to accord general most-favoured-nation treatment to Spanish imports, subject to right to terminate at six months' notice.

It should be explained that list of British goods, for which most-favoured-nation treatment secured by the Treaty, drawn up as far as possible with reference to trade interests of all parts of Empire.

Similar telegram sent to other Dominions.—SECRETARY OF STATE FOR THE COLONIES.

49461

No. 278.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.0 a.m., 4th October, 1922.)

TELEGRAM.

3RD OCTOBER. Your telegram 25th September,* new Commercial Treaty with Spain. Attention of Mr. Fielding, Finance Minister, who is attending meeting League of Nations, Geneva, has been called to question raised in your telegram, and it is understood that he will discuss subject with His Majesty's Government while in Europe.—BYNG.

50179

No. 279.

MR. E. MARSH (COLONIAL OFFICE) to MR. W. S. FIELDING (MINISTER OF FINANCE, CANADA).

[Answered by No. 280.]

DEAR MR. FIELDING,

11th October, 1922.

THE Governor-General has telegraphed to Mr. Churchill that you propose to discuss with His Majesty's Government the position of Canada in relation to the Commercial Treaty recently negotiated between this country and Spain. I understand that Mr. Russell has called at the Colonial Office about this, and has been shown the relevant papers.

We have just learned that the Spanish Ambassador has informed the Secretary of State for Foreign Affairs that he has received a telegram from the Spanish Government to the effect that the Canadian Government have proposed to them, through the Spanish Consul-General at Montreal, the immediate negotiation of a Commercial Treaty between Canada and Spain. The Foreign Office would be glad to be able to inform the Spanish Ambassador what procedure is contemplated; and, in the circumstances, it would be very convenient if you could let me know whether you propose to take up this matter yourself with the Spanish Ambassador shortly. If so, would you wish that the Spanish Ambassador should be informed accordingly?

Yours sincerely,

E. MARSH,

Private Secretary to Secretary of State.

* No. 277.

Attached to 50920

No. 280.

MR. W. S. FIELDING (MINISTER OF FINANCE, CANADA) to MR. E. MARSH
(COLONIAL OFFICE).

[Answered by No. 284.]

DEAR MR. MARSH, Ritz Hotel, Piccadilly, London, 12th October, 1922.
I HAVE your letter of yesterday* respecting the Commercial Treaty with Spain.

I am not advised as to any formal negotiations between our Government and the Spanish Consul-General at Montreal. I do not think they have gone beyond the inquiry stage.

We are aware that the contemplated treaty between Great Britain and Spain does not meet Canadian conditions. Naturally we are desirous of seeing that Canadian products receive most favourable consideration in the Spanish market. For this purpose it may be necessary for us to have direct negotiations with the Spanish Government. I shall be glad at a convenient moment to discuss this point with Mr. Churchill.

Yours faithfully,

W. S. FIELDING.

50961

No. 281.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.50 a.m., 13th October, 1922.)

TELEGRAM.

13TH OCTOBER. Your telegram 25th September.† My Government concur in proposal to exchange Notes guaranteeing the produce or manufactures of Spain most-favoured-nation treatment as long as the produce or manufactures of New Zealand are placed in the Second Schedule to the Spanish Tariff; the arrangement to be subject to six months' notice of termination.—JELlicoe.

53184

No. 282.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.7 p.m., 25th October, 1922.)

TELEGRAM.

25TH OCTOBER. Your telegram 25th September,† new Commercial Treaty with Spain. Ministers concur in exchange of Notes as suggested, and, if necessary, in order to obtain rates in Second Schedule of Spanish Tariff, would be prepared to accord general most-favoured-nation treatment to Spanish imports subject to right to terminate at six months' notice.—ARTHUR FREDERICK.

* No. 279.

† No. 277.

54376

No. 283.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND
GOVERNOR.

(Sent 3.25 p.m., 3rd November, 1922.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

3RD NOVEMBER. My telegram 25th September.* Treaty with Spain signed 31st October, with protocol stating that it would come into force 6th November, as *modus vivendi* pending ratification. At time of signature, Spanish Minister for Foreign Affairs handed His Majesty's Ambassador note† granting Dominions and Colonies, in return for most-favoured-nation treatment, Second Column rates of Spanish Tariff for six months from date of coming into force of Treaty. This arrangement intended to give time for study of Treaty by Oversea Governments, and for decision as to accession or otherwise, but His Majesty's Ambassador is endeavouring to secure arrangement outlined in my telegram of 25th September, providing for continuance of Second Column rates for those Dominions and Colonies which undertake to accord general most-favoured-nation treatment to Spanish imports, subject to right of termination at six months' notice. Final Text of Treaty as signed will be sent as soon as possible. It replaces enclosure to my despatch of 11th October, No. 369, Dominions,‡ with slight modifications, chief of which are reduction on amount of coal enjoying specially low rate of duty on importation into Spain from 1,000,000 to 750,000 metric tons, and on British side addition of tomatoes and bananas to Spanish goods, which will be admitted free of duty.—DEVONSHIRE.

54372

No. 284.

MR. E. MARSH (COLONIAL OFFICE) to MR. W. S. FIELDING (MINISTER
OF FINANCE, CANADA).

DEAR MR. FIELDING,

6th November, 1922.

WITH reference to my letter of the 11th October,§ and to your reply of the 12th October,|| I enclose a copy of a note which has been sent to the Spanish Ambassador in answer to his recent inquiry regarding a proposed Commercial Treaty between Canada and Spain.

I enclose also a copy of a further telegram¶ which has been sent to the Governor-General on the subject of the Anglo-Spanish Commercial Treaty. Copies of the telegram and despatch referred to were forwarded to Mr. J. A. Russell from the Colonial Office on the 10th October.

Yours sincerely,

E. MARSH.

Enclosure in No. 284.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 30th October, 1922.

WITH reference to Monsieur Barzanallana's recent inquiry regarding the proposal of the Canadian Government for the negotiation of a commercial treaty between Canada and Spain, I have the honour to inform Your Excellency that Mr. W. S. Fielding, the Canadian Minister of Finance, is now on a visit to this country, but is at this moment travelling on the Continent. His Majesty's Government would be glad if Your Excellency would defer communicating with the Canadian High Commissioner pending Mr. Fielding's return.

* No. 277. † Enclosure 3 in No. 286. ‡ 44944: not printed; it enclosed copy of the draft Treaty. § No. 279. || No. 280. ¶ No. 283.

2. I shall have the honour in due course of addressing a further communication to Your Excellency on this subject.

I have, &c.,
(For the Secretary of State)
G. H. VILLIERS.

His Excellency
Monsieur A. Merry del Val, G.C.V.O.,
&c., &c., &c.

55859

No. 285.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. Commonwealth of Australia. New Zealand. Union of South Africa. Newfoundland.)	} Dominions No. 415.)
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[MY LORD,] [SIR,] Downing Street, 6th December, 1922
WITH reference to my telegram of the 3rd of November,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of an extract† from the *Board of Trade Journal* of the 9th of November, relative to the Anglo-Spanish Commercial Treaty signed at Madrid on the 31st of October.

I have, &c.,
DEVONSHIRE.

55473

No. 286.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. Commonwealth of Australia. New Zealand. Union of South Africa. Newfoundland.)	} Dominions No. 416.)
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[MY LORD,] [SIR,] Downing Street, 6th December, 1922.
WITH reference to my telegram of the 3rd of November, and to my despatch Dominions No. 415 of the 6th of December,‡ on the subject of the Anglo-Spanish Treaty of Commerce and Navigation, I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of Notes exchanged between His Majesty's Ambassador at Madrid, and the Spanish Minister for Foreign Affairs, with regard to (1) the position of the Irish Free State; (2) the position of the Dominions and Colonies and India; and (3) the importation of coal.

2. The question of the extension to Protectorates and Mandated Territories of the arrangement regarding the application of the Second Column rates of the Spanish Tariff to goods produced or manufactured in India and the Dominions and Colonies (referred to in the Spanish Government's Note, No. 267 of the 31st of October, and His Majesty's Ambassador's Note of the 1st of November), is still under discussion with the Spanish Government.

I have, &c.,
DEVONSHIRE.

* No. 283. † i.e., pp. 528-533 of *Board of Trade Journal* of 9th November, containing the text of the Treaty. ‡ Nos. 283 and 285.

Enclosure 1 in No. 286.

(No. 273.)

YOUR EXCELLENCY, British Embassy, Zarauz, Guipuzcoa, 23rd August, 1922.

DURING the session of the 14th July last of the Spanish and British delegates for the negotiation of the Commercial Treaty between the two countries, the Spanish delegates asked whether Ireland would be included in the term "United Kingdom" for the purpose of the Treaty. I replied that I believed that the North of Ireland would be so included, but that the Irish Free State would not. I have now received instructions from His Majesty's Principal Secretary of State for Foreign Affairs to inform Your Excellency officially that after the establishment of the Irish Free State, which has not yet definitely taken place:—

Firstly.—The term "United Kingdom" in the Commercial Treaty will be deemed *not* to include the Irish Free State.

Secondly.—The term "His Majesty's territories outside the United Kingdom" will be deemed to include the Irish Free State.

I avail, &c.,
ESMÉ HOWARD.

His Excellency
Sr. D. Fernández Prida,
Minister of State.

Enclosure 2 in No. 286.

[Translation.]

(No. 266.) Commerce.

YOUR EXCELLENCY, Ministry of State, Madrid, 30th October, 1922.

I DULY received Your Excellency's Note No. 273, of the 23rd August, in which, and with reference to a question addressed by the Spanish Delegates to the British Delegation in the course of negotiations for a Treaty of Commerce between Spain and Great Britain, Your Excellency states, after receiving instructions from your Government to that effect, that after the Free State of Ireland shall have been established, the phrase "United Kingdom," which appears in the draft Treaty of Commerce between both countries, must be considered as not comprising the said State, and that the phrase "His Majesty's Territories outside the United Kingdom" will include from that time onwards the said Free State.

I have, therefore, the honour to inform Your Excellency that I take note of the said declaration, and that His Majesty's Government has no observations to offer concerning it.

I avail, &c.,
J. FERNÁNDEZ PRIDA.

His Excellency
Sir Esmé Howard,
His British Majesty's Ambassador.

Enclosure 3 in No. 286.

(No. 267.)

YOUR EXCELLENCY, Ministry of State, Madrid, 31st October, 1922.

WITH reference to the question which Your Excellency addressed to me a few days ago as to the treatment in respect of the Tariff which Spain will apply to the goods, the produce of British India and of the Dominions and Colonies of His Britannic Majesty at the time the Treaty of Commerce and Navigation between Spain and Great Britain comes into force, after its signature to-day (taking into account the fact that the said Treaty, in accordance with the terms of its Article 24, is not applicable to those territories), and on the expiration *ipso facto* of the Commercial Agreement concluded between these two countries by exchange of Notes of the 20th and 29th of June, 1894, prorogued by that of the 28th and 29th December of the same year, I have the honour to inform Your Excellency that His Majesty's Government is prepared to apply, for a period of six months as from the date on

which the Treaty referred to comes into force, to merchandise originating in and emanating from the said territories, the duties under the Second Column of the Tariff on condition that these countries concede to Spanish products most-favoured-nation treatment.

I avail, &c.,
J. FERNÁNDEZ PRIDA.

His Excellency
Sir Esmé Howard,
His British Majesty's Ambassador.

Enclosure 4 in No. 286.

(No. 336.)

YOUR EXCELLENCY, British Embassy, Madrid, 1st November, 1922.
WITH reference to Your Excellency's Note No. 267 of 31st October, informing me that His Catholic Majesty's Government will apply, for a period of six months from the date of the coming into force of the Anglo-Spanish Treaty of Commerce and Navigation which was signed yesterday, the rates of import duty of the Second Column of the Spanish Customs Tariff to goods, the produce and manufacture of British India, and of the British Dominions and Colonies, in return for most-favoured-nation treatment accorded to goods, the produce of Spain, by these British territories. I have the honour, while expressing to Your Excellency my best thanks for this communication, to request under instructions from His Majesty's Principal Secretary of State for Foreign Affairs that the Second Column rates of the Spanish Tariff may be applied to the goods of British India, the British Dominions and Colonies under similar conditions for an indefinite period, subject to six months' notice of denunciation of this arrangement being given by any of the parties interested.

I shall be grateful if Your Excellency will be so good as to inform this Embassy at your earliest convenience if His Catholic Majesty's Government agrees to this request.

I avail, &c.,
ESMÉ HOWARD.

His Excellency
Don Joaquín Fernández Prida,
Minister of State.

Enclosure 5 in No. 286.

[Translation.]

(No. 268.)

YOUR EXCELLENCY, Madrid, 31st October, 1922.
AN agreement having been arrived at between the Government of His Majesty and the Government of His Britannic Majesty respecting the manner of applying to the amount of 750,000 tons of coal the benefit of the reduction in the Customs duty established in the Treaty of Commerce and Navigation between Spain and Great Britain signed this day, in order to obviate the inconveniences which the levying of the rate of duty stipulated in the said Treaty would involve in practice, and in view of the expediency of establishing definitely and formally the terms of the said agreement, I have the honour to inform Your Excellency that the shipments of coal to which Item 31 of the present Spanish Tariff refers, imported into Spain from the territories of His Britannic Majesty, constituting the annual amount of the seven hundred and fifty thousand tons mentioned in Schedule A, Section 1 of the said Treaty, shall pay, on being cleared through the Customs, the duty of seven pesetas fifty centimos as established for this item in the Second Column of the Tariff; but the Customs will return to the real and true consumers of the coal constituting the amount referred to the sum of three pesetas fifty centimos per ton imported to make up this amount; so that the importers in question will thus in reality pay a duty of four pesetas as laid down in the Treaty referred to.

The Governments of His Catholic Majesty and of His Britannic Majesty being in agreement with the procedure herein indicated, without prejudice to complementing it by the other regulations which the nature of the case may render necessary, hereby declare their agreement to this effect by means of the present Note and Your Excellency's, the exchange of which takes place immediately the Treaty is signed, taking effect as soon as this comes into force.

I avail, &c.,
FERNÁNDEZ PRIDA.

His Excellency
Sir Esmé Howard,
His Britannic Majesty's Ambassador.

Enclosure 6 in No. 286.

(No. 334.)

YOUR EXCELLENCY, British Embassy, Madrid, 31st October, 1922.
I HAVE the honour to acknowledge the receipt of Your Excellency's Note, No. 268 of 31st October, stating that the Government of His Catholic Majesty and the Government of His Britannic Majesty, having arrived at an agreement in regard to the methods of application to the amount of 750,000 tons of coal of the benefit of the reduction of Customs duty established in the Treaty of Commerce and Navigation between Great Britain and Spain, signed this day, in order to obviate the inconveniences which the levying of the rate of duty stipulated in the said Treaty would involve in practice, and in view of the expediency of establishing definitely and formally the terms of the said agreement, it is stipulated that the shipments of coal referred to in item 31 of the Spanish Tariff now in force, and which are imported from the territories of His Britannic Majesty into Spain, constituting the annual amount of the seven hundred and fifty thousand tons mentioned in Schedule A, Section 1, of the said Treaty, shall pay, on being cleared through the Customs, the duty of Ptas. 7.50 (seven pesetas fifty centimos) established for this item in the Second Column of the Tariff; but the Customs will return to the real and true consumers of the coal constituting the amount referred to the sum of three pesetas fifty centimos per ton imported to make up this amount, so that the importers in question will thus in reality pay a duty of four pesetas as established in the Treaty referred to.

The Governments of His Catholic Majesty and of His Britannic Majesty being in agreement with the procedure herein indicated, without prejudice to complementing it by the other regulations which the nature of the case may render necessary, hereby declare their agreement to this effect by means of the present Note and of the reply to be received from me, the exchange of which Notes will take place immediately after the said Treaty has been signed, taking effect as soon as it comes into force.

I have the honour to inform Your Excellency that His Majesty's Government are in accordance with the terms of the above communication, and note that the procedure above indicated will take effect on the exchange of the present Notes.

I avail, &c.,
ESMÉ HOWARD.

His Excellency
Sr. D. Fernández Prida,
Minister of State.

59378

No. 287.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 180.)

SIR, Downing Street, 9th December, 1922

WITH reference to my despatch Dominions No. 415 of the 6th of December,* I have the honour to transmit to you, for the information of your Ministers, copies of Notes exchanged between His Majesty's Chargé d'Affaires at Madrid, and the Spanish Minister for Foreign Affairs, relative to the adhesion of Newfoundland to the Anglo-Spanish Commercial Treaty of the 31st of October, 1922.

2. The instructions referred to in Mr. Wingfield's Note of the 11th of November, were sent at the instance of Sir Richard Squires.

I have, &c.,
DEVONSHIRE.

Enclosure 1 in No. 287.

(No. 343.)

YOUR EXCELLENCY, British Embassy, Madrid, 11th November, 1922.
WITH reference to my Note No. 336 of 1st November, and under instructions from His Majesty's Principal Secretary of State, I have the honour to inform Your Excellency that the Colony of Newfoundland has signified her acceptance of and adherence to the Anglo-Spanish Commercial Treaty in its entirety.

Your Excellency will no doubt recollect that under Article 24 of this Treaty it was established that in order to obtain the benefits of its provisions, each Colony or Dominion must, through His Majesty's Representative in this country, signify her adherence to it. I have now therefore the honour to request, on behalf of the Colony of Newfoundland, that the benefits of the Treaty may be extended to goods from that Dominion as from the date on which the Treaty provisionally came into force, and I am also instructed to request that the Treaty Tariff rates should be made applicable to all cargoes of Newfoundland produce already discharged and at present awaiting clearance in the Customs at the ports of this country.

I trust that Your Excellency will be so good as to inform me at your earliest convenience of your agreement with the terms of this Note.

I avail, &c.,

CHARLES WINGFIELD.

His Excellency
Sr. D. J. Fernández Prida,
Minister of State.

Enclosure 2 in No. 287.

(No. 277.)

SIR, Madrid, 13th November, 1922.
I AM in receipt of your Note No. 343, of the 11th instant, in which you kindly inform me that the Colony of Newfoundland has expressed her acceptance of and adherence to the Anglo-Spanish Commercial Treaty in its entirety, and accordingly solicits under the terms of Article 24 thereof that the benefits of the Treaty should be extended to Newfoundland products as from the date on which it came into force, and, at the same time, that the Customs duties established in the Treaty should be applied to all shipments of Newfoundland products which may have been already unloaded and are awaiting clearance in the Customs Houses at Spanish ports.

In reply to your above-mentioned Note, I have the honour to inform you that His Majesty's Government, in view of the fact that the Colony of Newfoundland accepts and adheres to the Anglo-Spanish Commercial Treaty of the 31st October last in its entirety, agrees to the application of the benefits of the said Treaty to the products of the Colony in question; and although these products are not entitled, under the terms of Article 24 of the Treaty, to enjoy the benefits thereof, except from the 11th instant, on which date you were good enough to notify me of the acceptance, His Majesty's Government, in its desire to meet the wishes of the British Government, and taking into account the short period which has lapsed since the Treaty became provisionally operative on the 6th instant, is prepared to make its effects retrospective, as far as the said Colony is concerned, to the 6th instant, and the necessary instructions are being given in this sense to the Spanish Customs Houses.

I avail, &c.,

FERNÁNDEZ PRIDA.

Mr. Charles Wingfield,
Chargé d'Affaires of Great Britain.

58643

No. 288.

MR. E. MARSH (COLONIAL OFFICE) to MR. W. S. FIELDING (MINISTER OF FINANCE, CANADA).

DEAR MR. FIELDING,

11th December, 1922.

I ENCLOSE, with reference to your letter of the 15th of November,* a copy of a Note which the Foreign Office sent to the Spanish Ambassador as to the general lines on which an agreement between Canada and Spain on commercial matters might be concluded, together with a copy of the Spanish Ambassador's reply.

Yours sincerely,

E. MARSH.

Enclosure 1 in No. 288.

(No. W 9602/1/41.)

YOUR EXCELLENCY,

Foreign Office, S.W.1, 25th November, 1922.

WITH reference to my note of the 18th instant, I have the honour to state that a further letter has been received in the Colonial Office from the Canadian Minister of Finance regarding his proposed discussion with Your Excellency on the subject of the commercial relations between Spain and Canada.

2. Writing on the 15th instant Mr. Fielding requested that Your Excellency might be informed that he expected to be in London at an early date, and that he would be glad to have the privilege of an interview with you. He stated that the conditions of the treaty recently concluded between this country and Spain could hardly be made applicable to trade between Spain and Canada. For the purpose of facilitating discussion, and not as a formal offer, Mr. Fielding suggests that an agreement between Spain and Canada might be reached on the following general lines:—

(i) Canada would be prepared to agree that Spain and Canada should mutually give and receive most-favoured-nation treatment in all tariff matters and incidental commercial privileges;

(ii) If, as Mr. Fielding is informed, it is not the policy of Spain to conclude with any country a general agreement for most-favoured-nation treatment, he suggests that such treatment might be applied to specific lists of goods, one list to be prepared on behalf of Spain covering articles which she particularly desires to send to Canada, the other list to be prepared by Canada covering articles which she particularly desires to send to Spain.

3. Mr. Fielding concluded his letter by stating that his stay in London would probably be short.

I have, &c.,

(For the Secretary of State)

G. H. VILLIERS.

His Excellency,

Monsieur A. Merry del Val,

&c., &c., &c.

Enclosure 2 in No. 288.

[Translation.]

(No. 171.)

MY LORD,

Spanish Embassy, London, 4th December, 1922.

IN reply to the Foreign Office note No. W.9602/1/41 of the 25th ultimo, I have the honour to inform Your Lordship that I have received instructions from my Government respecting the matter to which that note refers. In view of the fact that in order to save time the Canadian Minister of Finance has been enabled to express his views semi-officially through Your Lordship respecting a commercial agreement with Spain, it appears to me that with the same object in view, he might be informed that in the opinion of the Spanish Government, as the existing law of

* Not printed: its purport is stated in Enclosure 1.

Spain does not permit the general concession of most-favoured-nation treatment to any other power, a separate agreement between Spain and Canada would not necessarily offer any advantage, but that it would be better to advise the Canadian Government to adhere to the Commercial Treaty between Spain and Great Britain of the 31st October last. Once they have acceded to this agreement, the Canadian Government may claim in virtue thereof for the commodities in which they may be interested either the reduced duties of Schedule (A) of the Treaty in question, or preferential treatment for the articles included in section 2 of that Schedule, which comprises nearly all the items of the Spanish Customs Schedule. By adhering to the treaty the Canadian Government will have ample guarantees of treatment as favourable as any they might obtain by a special agreement with Spain, since they would not necessarily obtain more thereby than is conceded in the treaty.

Nevertheless, the Spanish Government will be pleased to examine any proposal the Canadian Government may wish to submit to them.

I should be grateful if Your Lordship would be so good as to transmit the foregoing information to the Honourable Mr. Fielding.

I have, &c.,

ALFONSO MERRY DEL VAL.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.

60513

No. 289.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 182.)

SIR,

Downing Street, 11th December, 1922.

WITH reference to my despatch Dominions No. 415 of the 6th of December,* I have the honour to transmit to you, for the information of your Ministers, a copy of a despatch to His Majesty's Chargé d'Affaires at Madrid, requesting him to make formal application to the Spanish Government for the extension to those parts of the British Empire to which the Anglo-Spanish Commercial Treaty applies, of a tariff concession recently granted by Spain to Norway.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 289.

(No. 602.)

(W. 9820/1/41.)

SIR,

Foreign Office, S.W.1, 4th December, 1922.

WITH reference to Sir E. Howard's despatch No. 677 of the 6th October last, I transmit to you herewith a copy of a letter from the Board of Trade regarding the extension to those parts of the British Empire to which the Anglo-Spanish Commercial Treaty applies, of a tariff concession recently granted by Spain to Norway.

2. I request that you will address the Spanish Government forthwith in the sense suggested by the Board.

I am, &c.,

(For the Secretary of State)

G. H. VILLIERS.

C. J. F. Wingfield, Esq.,

&c., &c., &c.

* No. 285.

(C.R.T. 4483/22.)

(W. 9820/1/41.)

Board of Trade,

(Commercial Relations and Treaties Department),

Great George Street, London, S.W.1, 30th November, 1922.

SIR,

WITH reference to your letter of the 14th October (No. W. 8648/1031/41), transmitting copy of the recent Commercial Convention between Spain and Norway, I am directed by the Board of Trade to state that they note that Article 1 of the Convention provides that certain Norwegian goods enumerated in List A., annexed to the Convention are to be subject to the rates of duty laid down in that list.

The list includes the following item to be dutiable at 18 pesetas per 100 kilograms:—

No. 1331 in the Spanish Tariff—

"Other fish, salted, smoked or cured, except those in tins."

Paragraph 2 of Article 5 of the Treaty of Commerce and Navigation recently concluded between His Majesty's Government and the Spanish Government provides that the Spanish Government will be prepared to extend to the produce or manufactures of this country any benefit or advantage conceded by Spain to any foreign country in respect of any specified article which is of interest to the trade of His Britannic Majesty's Territories, the only formality required in such a case being that formal application for such extension should be made to the Spanish Government by His Britannic Majesty's Representative at Madrid.

As item No. 1331 of the Spanish Tariff is not specified in Schedule A to the Anglo-Spanish Treaty, and as the articles which it embraces are of some interest to British trade, I am to suggest for Lord Curzon's consideration that His Majesty's Ambassador at Madrid should be instructed to make formal application to the Spanish Government that the tariff concession in question which has been accorded to Norway should be forthwith extended to similar goods produced or manufactured in those of His Britannic Majesty's Territories to which the Anglo-Spanish Treaty applies.

I have, &c.,

J. J. WILLS.

The Under Secretary of State,
Foreign Office, S.W.1.

TERRITORIAL WATERS.

(1) Italy: Visits of Foreign Warships.

55474

No. 290.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

} Dominions No. 405. Confidential.)

[MY LORD.] [SIR,]

Downing Street, 27th November, 1922.

WITH reference to my predecessor's Confidential despatch Dominions No. 328 of the 31st of August,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a translation of Article 3 of an Italian Royal Decree No. 860 of the 28th of May, 1922, promulgating new regulations for visits of foreign war vessels to Italian ports and territorial waters.

2. His Majesty's Ambassador at Rome has been instructed to make a formal statement to the Italian Government that His Majesty's Government can only recognize the validity of the Decree in so far as it does not infringe the undoubted rights of His Majesty's Government in international law.

I have, &c.,

DEVONSHIRE.

* No. 291.

Enclosure in No. 290.

ARTICLE 3 OF AN ITALIAN ROYAL DECREE, No. 860 OF 28TH MAY, 1922.

In peace-time, foreign ships of war are, in a general sense, allowed to visit Italian ports and Colonies, and to anchor in territorial waters at a distance less than *six miles* from the low-tide line, as long as the number of ships belonging to one Power does not exceed three for each subdivision or section, as indicated in the following paragraph.

Notwithstanding the contents of the first paragraph of this Article (3), it must be borne in mind that advice must invariably be given of such visit, through the channels of the Diplomatic Service, and such notice to be received at least seven days prior to the intended visit.

The said ships will not be allowed to remain in Italian ports or territorial waters for a period exceeding eight days. They must also be prepared to sail from such ports within six hours' notice, should they be requested so to do by the Naval Authorities; this clause also holds good even should they not have completed the eight days' stay.

In the event of a foreign Naval Power arriving at a port with a superior number of vessels than those mentioned in the first paragraph of this Article (3), the port Naval Authorities must at once advise the Commanding Officer of the squadron of the excess number of units, in order that he may take steps in ordering those in excess to proceed to sea again.

(2) Morocco: Limitation for Fishery Purposes.

35028

No. 291.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 328. Confidential.)

[MY LORD,] [SIR,]

Downing Street, 31st August, 1922.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of a despatch from His Majesty's Agent and Consul-General at Tangier, and of a despatch to His Majesty's Chargé d'Affaires at Paris, regarding a "Dahir" regulating fishing off the coasts of the French zone of Morocco.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 291.

(No. 168.)

MY LORD,

Tangier, 26th April, 1922.

I HAVE the honour to transmit to Your Lordship herewith, copies of a "Dahir" regulating fishing off the coasts of the French zone of Morocco.

Your Lordship will observe that the first article lays down that for the purposes of fishery regulations, the territorial waters are regarded as extending to six miles from the coast.

I have, &c.,

ARNOLD ROBERTSON.

The Right Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.

* Extract only printed here.

DAHIR DU 25 MARS, 1922.

(Extract.)

Article Premier.—La mer territoriale, pour la zone française de l'Empire chérifien, s'étend, au point de vue de la pêche, à six milles marins à partir de la laisse de basse mer.

L'exercice du droit de pêche n'y est assujéti qu'au paiement d'une licence.

Enclosure 2 in No. 291.

(No. 2228.)

(T. 8076/5729/328.)

SIR,

Foreign Office, S.W.1, 15th July, 1922.

I TRANSMIT to you herewith a copy of a despatch* from His Majesty's Agent and Consul-General at Tangier, enclosing copy of a "Dahir" of 25th March, 1922, regulating fishing off the coasts of the French zone of Morocco.

2. I shall be glad if you will make a formal representation to the French Government, stating that His Majesty's Government can only recognize the validity of the "Dahir," extending for the purposes of fishery regulations the territorial waters of the French zone of Morocco to six miles, in so far as it does not infringe the undoubted rights of His Britannic Majesty's Government in international law.

I am, &c.,

(For the Earl of Balfour),

G. H. VILLIERS.

Sir M. Cheetham, K.C.M.G.,

&c.,

&c.,

&c.

(3) Norway: Limitation for Customs Purposes.

3383

No. 292.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 23rd January, 1922.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of correspondence† with the British Minister at Christiania, on the subject of Norwegian legislation concerning territorial waters.

Foreign Office,

21st January, 1922.

Reference to previous correspondence: letter to Foreign Office of 13th instant.‡

(Similar letter sent to Customs, Admiralty and Board of Trade).

Enclosure in No. 292.

(No. 19.)

SIR,

Foreign Office, 19th January, 1922.

WITH reference to my despatch No. 350 of the 1st ultimo, I still await information from the Board of Customs and Excise in regard to the present position of United Kingdom legislation, and the regulations by which that legislation is enforced, in relation to the principle of the three-mile limit of territorial waters.

2. As regards legislation in the Overseas Dominions, the Canadian Customs Act, while providing that bulk may not be broken or any alteration of stowage of cargo made to facilitate unlawful unloading within three leagues of the coast, only

* Enclosure 1. † Despatch to Christiania only printed. ‡ 63893: not printed. It expressed concurrence in the terms of the despatch to His Majesty's Minister.

authorizes the boarding of a vessel bound for a Canadian seaport when it is within three marine miles of the anchorage ground. The provisions of the Newfoundland Customs Act are, in these respects, similar to those of the Canadian Act.

3. It appears that all other Dominion legislation puts the limit of customs jurisdiction, both as regards the breaking of bulk and boarding, at three sea miles from the coast, except the New Zealand Customs Act of 1913. This Act provides that any customs officer may board and search any ship, whether within or without the territorial waters of New Zealand; but also that bulk may not be broken within one league of the coast and that masters of ships are to bring to for boarding, if called upon to do so, within one league of the coast.

4. On receipt of the opinion of the Law Officers of the Crown on the question raised by the Customs with regard to the Customs Consolidation Act of 1876, the Secretary of State for the Colonies will give further consideration to my suggestion that the correspondence should be communicated to the Government of New Zealand and those of the other Dominions, with a suggestion that legal advice should be taken in order that their legislation may be revised, where necessary, in such a way as to bring it into harmony with the principle of the three-mile limit.

5. At the same time, Mr. Churchill asks that your special attention may be directed to the attitude of the Canadian Government as to the limits of territorial waters in connexion with the Spitzbergen Treaty. On 12th February, 1920, when it had been proposed that His Majesty's Government should make a formal declaration against the recognition of territorial waters beyond the three-mile limit, the Governor-General of Canada telegraphed that, on the presumption that this declaration would not be interpreted so as to apply to waters outside the areas affected by the Spitzbergen Treaty, the Government of Canada did not object to it. It was, however, finally decided not to make any reservation in respect of the extent of territorial waters in the official communication to the French Government, signifying the assent of His Majesty's Government to the terms of the Spitzbergen Treaty. The precise significance of the attitude adopted by the Canadian Government will doubtless be ascertained as the result of the communication contemplated in paragraph 4 of this despatch, but it is not at present clear what Canadian interests were regarded as being involved, other than those arising out of the special position with regard to bays in North America. As regards, however, the question of the application of the principle of the three-mile limit to bays, it is evident that this does not arise in connexion with the recent Norwegian legislation, and it is desirable that the question should not be raised.

6. It appears from the information so far available, that the municipal legislation of the British Empire is, with the exception of certain sections of the New Zealand Customs Act, in harmony with the general principle of the three-mile limit. While, therefore, it is advisable that you should bear in mind the fact that British Empire legislation on the subject is still under examination, and that definite information as to the views of the Canadian Government is not at present available, considerable importance is attached, on naval and other grounds, to the maintenance of the general principle.

7. The general review given above of the position as regards the United Kingdom and Overseas legislation is for your own information only; but I shall be glad if you will make a formal statement to the Norwegian Government that His Majesty's Government can only recognize the validity of the recent Norwegian legislation in so far as it does not infringe the undoubted rights of His Majesty's Government in international law. It will then be advisable for you to reserve a further communication as to the Customs Consolidation Act until the opinion of the Law Officers is available.

I am, &c.,

CURZON OF KEDLESTON.

Sir M. de C. Findlay, K.C.M.G., C.B.,
&c., &c., &c.

13598

No. 293.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 295 and 296.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 140. Confidential.)

[MY LORD,] [SIR,]

Downing Street, 6th May, 1922.

WITH reference to my despatch Dominions No. 434, Confidential of the 26th October, 1921,* [Your Excellency's,] [Your Royal Highness's,] [your] Ministers will observe from the despatch from His Majesty's Minister at Christiania of the 2nd September, 1921, that the Norwegian Government have endeavoured to justify the extension of the limits of Norwegian territorial waters for Customs purposes by reference to the United Kingdom Customs Acts.

2. In actual practice the Customs and Excise authorities do not attempt to seize or search any foreign vessel outside the three-mile limit, or to prosecute for offences committed on a foreign ship or by a foreigner outside it. So far as can be traced, the last case in which the Customs authorities interfered with a foreign vessel outside the three-mile limit was that of the French vessel, the "Petit Jules," in the year 1850. This case is presumed to have arisen under one of the earlier sections of the Act, 8 & 9 Vict. cap. 87, the Statute then in force for the prevention of smuggling. These sections differed greatly from Section 179 of the Customs Consolidation Act of 1876, which is derived from them.

3. After consultation with the Law Officers of the Crown, His Majesty's Minister at Christiania has been asked to inform the Norwegian Government that the Customs Consolidation Act, 1876, and the other Customs Acts referred to by Dr. Raestad in conversation with Sir M. Findlay on the 1st September, 1921, have been carefully examined and have been found to involve no claim to jurisdiction over foreign vessels outside the three-mile limit.

4. So far as is known, the only sections which have been quoted, or are likely to be quoted, as involving a claim to jurisdiction over foreign vessels at a distance exceeding three miles from the coast of the United Kingdom are Sections 53, 135, 141, 142, 147, 169, 179, 180, 181, 189, 190, 229, and 282 of the Customs Consolidation Act, 1876 (39 & 40 Vict. cap. 36) and Section 7 of the Revenue Act, 1883 (46 & 47 Vict. cap. 55). The views of the Board of Customs and Excise as to these may be summarized as follows:—

Section 53.—This Section, which occurs in a part of the Act headed "As to report of Cargo," provides that the master of every ship (whether British or foreign) arriving from parts beyond the seas shall at the time of making report answer the questions of the Customs officers. If he refuses or "if after the arrival within four leagues of the coast of the United Kingdom bulk shall be broken, or any alteration made in the stowage of the cargo of such ships so as to facilitate the unloading of any part of such cargo before report of such ship or cargo, or if any part be staved, destroyed or thrown overboard, or any package be opened" the master incurs a penalty. It would appear that this Section is limited in its application to ships which actually arrive at a port in the United Kingdom, and that, if a vessel breaks bulk outside territorial waters although within four leagues of the coast and proceeds on her voyage to a port in some other country, no penalty under this Section is incurred. A ship need not come into a British port unless it is desired to bring her there, but if she does come, the effect of the Section is that her master must comply with the conditions on which she is allowed to come, that he must make report in the ordinary course and that he must not arrive having broken bulk within four leagues of the coast.

Sections 135, 141, 142, 147, and 282, and Section 7 of the Act, 46 and 47 Vict. cap. 5.—The first and last of these deal with vessels going from one port to another in the United Kingdom while engaged in a coasting trade. The others deal

* No. 248 in Dominions No. 81.

generally with coasting ships. It is thought that these Sections do not conflict with international law, even though they give a right of interference with a foreign ship outside territorial waters. It has always been conceded that a country is entitled to retain in its own hands exclusively its own coasting trade, and, a fortiori, that it is entitled to impose restrictions upon this trade and to prescribe the conditions upon which foreigners may engage in it.

Section 169.—This reproduces the provisions of the successive Customs Acts of 1825, 1833, 1845 and 1853. The provisions of the three earlier Acts were limited specifically to vessels belonging in whole or in part to British subjects, or on board which half the persons were British subjects. The reference to the number of persons on board was presumably intended to apply to those cases where the nationality of the ship was doubtful. The present Section does not mention the nationality of the ship or of the persons on board, but it seems obvious from its wording that it was only intended to apply to British craft.

Section 179.—This may be divided into three parts:—

- (a) That dealing with vessels having false bulkheads, etc.
- (b) That dealing with vessels from which part of the lading has been thrown overboard or on which goods have been destroyed to avoid seizure.
- (c) That dealing with persons found on such vessels or on board one of His Majesty's ships, or a foreign packet carrying mails to the United Kingdom, having on board spirits or tobacco in prohibited packages.

(a) It is held that this part of Section 179 of the Act of 1876 does not apply to any foreign vessel outside the three-mile limit. The part in question deals with vessels which (a) belong wholly or in part to British subjects, (b) have half the persons on board British subjects, or (c) are not British. If the vessel is British owned, no question arises. If it is definitely not a British vessel, the three-mile limit is applied strictly by the Section. There remains only the doubtful case where the nationality of the vessel is not known and in such cases, if half the persons on board are British subjects, she is to be treated as a British vessel.

(b) The construction of this part of the Section is difficult; it seems likely that in the consolidation of the law some reference to British ships or ships of doubtful nationality, was omitted inadvertently.

(c) This imposes a penalty upon—

(1) British subjects found to have been on board a ship liable to forfeiture under the Section within three leagues of the coast.

(2) Foreigners who have been on such a ship within one league of the coast.

(3) Any person who has been on board any vessel in His Majesty's Service, or on board a foreign post-office packet employed in carrying mails between any foreign country and the United Kingdom, having on board spirits or tobacco in illegal packets.

As regards (1) and (2), no question arises. As regards (3), so far as persons on board His Majesty's ships are concerned, no difficulty can arise from the detention of such persons on board the ship until they arrive at a British port, and are handed over to the Customs authorities for prosecution. As regards a person on a foreign packet, the Section assumes that the vessel will come to this country, and the prosecution can only take place here. The Section does not seem to contemplate detention except in this country.

Sections 180 and 181.—There is no statement in the former that it applies to any foreign vessel outside territorial waters. The opening words of the latter may include a foreign vessel liable to examination outside territorial waters, on the ground that she is engaged in the coasting trade, but unless a foreign vessel is engaged in coasting trade, which is clearly under the jurisdiction of this country, there is nothing in either Section to imply that it affects the vessel while outside territorial waters.

Section 189.—This mentions the distance of five miles from the sea coast, but it seems clear that the distance is to be measured inland.

Section 190.—Here again it seems clear that the distance is to be measured inland.

Section 229.—This merely regulates the procedure and defines jurisdiction. It does not mention foreign vessels or make any offence punishable in the United Kingdom which would not have been punishable if this Section had been omitted.

I have, &c.,

WINSTON S. CHURCHILL.

13598

No. 294.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 296.]

(Confidential.)

MY LORD,

Downing Street, 6th May, 1922.

In my despatch Dominions No. 140, Confidential,* of even date, I have stated the result of the examination of the United Kingdom Customs Acts, which was undertaken in view of the attempt of the Norwegian Government to justify the extension of the limits of Norwegian territorial waters for Customs purposes by reference to the provisions of those Acts.

2. Your Excellency's Ministers may like to consider the account of the position there set forth in relation to those provisions of the New Zealand Customs Act No. 63 of 1913, which authorize action by the Customs authorities outside the territorial waters of New Zealand.

I have, &c.,

WINSTON S. CHURCHILL.

33621

No. 295.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11th July, 1922.)

(Confidential. (2))

SIR,

Governor-General's Office, Cape Town, 22nd June, 1922.

I HAVE the honour to transmit to you herewith, with reference to your despatches Dominions No. 140 of 6th May, 1922,* and Dominions No. 151, Confidential, of the 13th May, 1922,† Minute No. 448 from Ministers, dated 16th June, 1922, on the subject of the extension of the limits of Norwegian territorial waters for Customs purposes.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 295.

(Minute No. 448.)

SIR,

Prime Minister's Office, 16th June, 1922.

MINISTERS have the honour to acknowledge the receipt of His Royal Highness the Governor-General's Minutes (Confidential) Nos. 2/1727 and 2/1733 of the 2nd and 8th June, 1922, respectively, and enclosures, regarding the extension of the limits of Norwegian territorial waters for Customs purposes.

While the interest of the Union Government in the Norwegian Government's attitude is purely academic, Ministers desire to state that, in the event of this precedent being followed at some future date by any of the Union's neighbours, they would advise strenuous opposition to any proposal by those countries for the extension of the limits of territorial waters beyond the internationally recognized limit of one marine league.

J. C. SMUTS.

* No. 293. + 22116: not printed. It enclosed correspondence regarding the Norwegian legislation.

46843

No. 296.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th September, 1922.)

(Confidential. (2))

SIR, Government House, Wellington, 5th August, 1922.
I HAVE the honour to acknowledge the receipt of your despatches, Confidential, and Dominions No. 140, Confidential, both dated 6th May,* intimating the action taken by His Majesty's Government as the result of the attempt of the Norwegian Government to justify the extension of the limits of Norwegian territorial waters for Customs purposes by reference to the provisions of the United Kingdom Customs Acts.

2. My Ministers advise me that the New Zealand Government will take the first opportunity of amending the New Zealand Customs Act, No. 63, so as to restrict the powers of the Customs Department to the search of vessels only when within the territorial limits of this Dominion.

I have, &c.,
JELLICOE,
Governor-General.

(4) Norway: Use of Wireless Apparatus.

61873

No. 297.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 429. Confidential.)

[MY LORD,] [SIR,] Downing Street, 21st December, 1922.

WITH reference to my predecessor's Confidential despatch Dominions No. 82 of the 13th of March,† I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's Minister at Christiania forwarding a translation of a Norwegian Government Resolution, dated the 7th of July, relative to the use of wireless apparatus on foreign ships within Norwegian territorial waters.

2. His Majesty's Representative at Christiania has been instructed to inform the Norwegian Government that His Majesty's Government can only recognize the Resolution in so far as it does not infringe the undoubted rights of His Majesty's Government in international law.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 297.

(No. 363.)

MY LORD, British Legation, Christiania, 29th September, 1922.

WITH reference to communication from Treaty Department of the 18th September, concerning certain Norwegian regulations relative to the use of wireless

* Nos. 293 and 294. † 8689: not printed. It enclosed copies of correspondence on the subject of the Norwegian Customs legislation.

on foreign ships within Norwegian territorial waters, I have the honour to transmit herewith translation of a Government Resolution dated 7th July last. I am sending copy of this despatch to the Department of Overseas Trade.

I have, &c.,
M. DE C. FINDLAY.

The Most Honourable
The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.

GOVERNMENT RESOLUTION OF 7TH JULY, 1922.

SANCTION is given to the following regulations for the use of wireless stations on board ships of foreign, non-belligerent powers during their stay in Norwegian waters in times of peace:—

1. *Within Norwegian territorial limits* wireless telegraph or telephone stations on board foreign vessels must not be used except in accordance with special permission, unless such use concerns:—

- (1) Correspondence regarding ships in distress, or for the prevention of accident.
- (2) Correspondence with the nearest Norwegian coast station, and also
- (3) Correspondence with other ship stations, *when each of the ships is at least 10 nautical miles from the nearest Norwegian coast station.*

In the cases mentioned under (2) and (3), however, transmission must at once cease when this is demanded by the Telegraph Board, the Naval Board, or by any wireless station which falls within the jurisdiction of these authorities.

2. In Norwegian ports where public wireless stations are established and within the areas which at any time may be determined by a Norwegian authority, and concerning which information is obtainable at the nearest public coast station; the station must not, however, be used for correspondence other than that mentioned under 1. (1), unless special permission is obtained.

3. Application for permission to make use of the station within Norwegian territorial limits for correspondence other than that mentioned above should be sent to the Telegraph Board, which will make its decision after conference with the Naval Board.

4. The above rules, however, with the exceptions mentioned below, are not applicable to stations on board the warships of foreign powers.

Should the latter whilst calling at a Norwegian port where a public wireless station is established (see the list issued by the Telegraph Board) desire to make use of the wireless apparatus on board, they must first make application to the director of the public wireless station at that place who will notify the times at which it is permissible to make use of the apparatus concerned.

In the said application which may be made by wireless, the wave length which it is desired to employ shall also be stated. Otherwise in Norwegian ports and Norwegian territorial waters such vessels may freely make use of their wireless stations. Transmission, however, shall at once cease when this is demanded by the Telegraph Board, the Naval Board, or by any wireless station which falls within the jurisdiction of these authorities.

5. When the station is used during the ship's stay in Norwegian waters, such use shall take place under observance of the provisions of the International Telegraph Convention, with the regulations appertaining to the same.

6. The above provisions only apply when Norway is not at war, and only in respect of the ships of non-belligerent powers.

7. The above rules come into force from 1st September, 1922. From the same date are cancelled the previous regulations sanctioned by Royal Resolution of 24th October, 1908.

(5) Russia: Seizure of British Trawlers off Murmansk Coast.

12432

No. 298.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 299.]

(Confidential.)

MY LORD, Downing Street, 24th April, 1922.
I HAVE the honour to transmit to Your Excellency, to be laid before Your Ministers, copies of two telegrams* to Moscow regarding the arrest by the Soviet Government of the British trawlers "St. Hubert" and "Magenta" off the Murmansk Coast. Further evidence has brought out the fact that the "St. Hubert" was outside even a twelve-mile limit at the time of her arrest.

2. It will be remembered that when, towards the end of 1919, the Treaty regarding the status of Spitzbergen was under consideration, the addition to the Treaty was contemplated of a formal declaration to the effect that His Majesty's Government would not recognize any limit of territorial waters other than the three-mile limit. The Canadian Government was consulted in the matter, and in the Duke of Devonshire's telegram of the 13th February, 1920,† it was stated that Ministers had no objection to the declaration, on the presumption that it would not be interpreted as applying to waters outside the areas affected by the Treaty.

3. In view of the urgency of the present case, it was not thought feasible to consult Your Ministers before the despatch of the enclosed telegrams, which were, however, couched in terms which avoided any general statement of the attitude of His Majesty's Government on the question of the limits of territorial waters.

4. In this connexion I would invite reference to the correspondence ending with my Confidential despatch Dominions No. 82, of the 13th March,‡, regarding the recent Norwegian legislation extending the limits of Norwegian territorial waters in order to prevent the smuggling of wines and spirits.

5. It is presumed that, in making the reservation mentioned in paragraph 2 above, the Canadian Government had particularly in mind the special circumstances of British North America in regard to bays, but His Majesty's Government would be glad to learn, for guidance in such further eventualities as may arise, whether your Ministers regard any other interests as being involved, and to receive their views on the question generally.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 298.

RUSSIA.

EXTRACT FROM TELEGRAM FROM FOREIGN OFFICE TO MR. GROVE (MOSCOW.).

(Sent 1 p.m., 10th March, 1922.)

(No. 71. (R).)

His Majesty's Government cannot recognize Russian claim to extend territorial waters beyond three miles. They have on previous occasions insisted that British fishing vessels must not be interfered with outside that limit. His Majesty's Government have, moreover, specifically protested against Soviet decree of 24th May, 1921, prohibiting fishing by foreign vessels within twelve-mile limit.

* Extract only printed of first telegram. † No. 400 in Dominions No. 75, ‡ 8689; not printed; see note to No. 297.

Enclosure 2 in No. 298.

TELEGRAM FROM FOREIGN OFFICE TO MR. GROVE (MOSCOW).

(Sent 13th March, 1922.)

(Paraphrase.)
(No. 72.)

THE Russians are understood to consider the White Sea in the light of a "mare clausum." As, however, the ships were both arrested in the open sea off the Murmansk Coast this question does not arise, and you should be careful not to allow it to be introduced.

32497

No. 299.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6th July, 1922.)

[Answered by No. 300.]

(Confidential.)

SIR,

Government House, Ottawa, 27th June, 1922.
WITH reference to your Confidential despatch of the 24th April,* I have the honour to enclose herewith, a copy of a letter from the Department of the Secretary of State for External Affairs stating that the Minister of Justice is of the opinion that it was not the intention of the Canadian Government to offer any observations with regard to the policy of His Majesty's Government in refusing to recognize any extension of the three-mile limit of territorial waters, so long as this does not involve any admission or statement whereby it may be said that the delimitation of territorial waters contiguous to the coast of Canada is affected.

I have, &c.,

L. H. DAVIES,
Deputy Governor-General.

Enclosure in No. 299.

FROM DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

(Confidential.)

SIR,

Ottawa, 22nd June, 1922.
WITH reference to the Confidential despatch to His Excellency from the Secretary of State for the Colonies, dated the 24th April, 1922, in which, referring to the Duke of Devonshire's telegram of the 13th February, 1920, regarding the position of His Majesty's Government with respect to the recognition of a limit of territorial waters other than the three-mile limit in connexion with the Treaty regarding the status of Spitzbergen, Mr. Secretary Churchill states that it is presumed that the reservation made by the Canadian Government in that telegram had in view the special circumstances of British North America in regard to bays. I have the honour to state that the Minister of Justice is of the opinion that it was not the intention of the Canadian Government to offer any observations with regard to the policy of His Majesty's Government in refusing to recognize any extension of the three-mile limit of territorial waters so long as this does not involve any admission or statement whereby it may be said that the delimitation of territorial waters contiguous to the coast of Canada is affected.

I am to request that His Excellency may be humbly moved to reply in this sense to the Colonial Office despatch.

I have, &c.,

W. H. WALKER,
Assistant Under-Secretary of State for External Affairs.

* No. 298.

(6) United States of America: Seizure of Vessels Outside the Three-Mile Limit.

48406

No. 300.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential).

MY LORD,

Downing Street, 18th October, 1922.

I HAVE the honour to acknowledge the receipt of Sir L. H. Davies's Confidential despatch of the 27th June,* relative to the policy of His Majesty's Government in refusing to recognize any extension of the three-mile limit of territorial waters.

2. This question arises not only in connexion with the action of the Soviet Government in seizing the British trawlers "St. Hubert" and "Magneta" off the Murmansk coast, and with the Norwegian law extending the limit of Norwegian territorial waters to ten miles for customs purposes, but also in connexion with recent cases in which the United States Prohibition Authorities have seized British ships outside the three-mile limit. Cases in which British ships registered in Canada were so seized formed the subject of the despatch, No. 242 of the 5th September,† addressed to you from His Majesty's Embassy at Washington, and of my despatch, No. 467, of the 23rd September.‡

3. I now enclose a copy of a telegram dated the 23rd September, from His Majesty's Ambassador at Washington, containing the substance of certain sections of the United States Tariff Act, which extend the jurisdiction of the United States Customs Authorities for certain purposes to a limit of four leagues from the Coast, together with an extract from a further telegram, dated the 26th September, giving the purport of a statement issued by the United States Government as to the searching of ships in future by the United States Prohibition Authorities outside the three-mile limit.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 300.

TELEGRAM FROM SIR A. GEDDES (WASHINGTON).

(Received 9.0 a.m., 24th September, 1922.)

23RD SEPTEMBER. (No. 374). My telegram, No. 361. Section 581, Tariff Act, in its final form empowers Customs Officers to board any vessel within four leagues of United States coast, to exercise right of search, and "to use all necessary force to compel compliance."

If it appears that any breach of United States laws has been committed, officer is empowered to seize vessel and to arrest any person engaged in such violation. Similarly, officers of Department of Commerce are empowered to board any vessel within four leagues of United States coast in enforcement of navigation law, and to arrest any person engaged in their violation.

Section 586 provides that master of any vessel from a foreign port who allows any merchandise to be unladen within four leagues of United States coast before receiving a permit to unlade shall be made liable to a fine of not less than 1,000 dollars and ship and merchandise subject to forfeiture (except in case of stress of weather, etc.).

* No. 299. † Enclosure in No. 301. ‡ 47624: not printed.

Enclosure 2 in No. 300.

EXTRACT FROM TELEGRAM FROM SIR A. GEDDES (WASHINGTON).

(Received 9.0 a.m., 27th September, 1922.)

26TH SEPTEMBER. No. 387. Statement was issued to-day at White House after a Cabinet meeting to the effect that activities of Prohibition Officers beyond three-mile limit have threatened an embarrassing situation, which may involve United States in diplomatic discussions with foreign nations. Prohibition officers will in future be enjoined to use more judgment, but this caution will not apply to searching of ships beyond three-mile limit which are known to be in contact with the shore, such as running of small craft of ship to some point on the land. This point, which is stated to be now before Supreme Court, has, according to communiqué, been held by several Courts of United States to be violation of prohibition laws.

48406

No. 301.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Commonwealth of Australia. Confidential.)

(New Zealand. Confidential.)

(Union of South Africa. Confidential (2).)

(Newfoundland. Confidential.)

[MY LORD,] [SIR,]

Downing Street, 18th October, 1922.

WITH reference to previous despatches relative to the Norwegian law extending the limit of Norwegian territorial waters to ten miles for Customs purposes I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a telegram dated 23rd of September,* from His Majesty's Ambassador at Washington, containing the substance of certain sections of the new United States Tariff Act, which extend the jurisdiction of the United States Customs authorities for certain purposes to a limit of four leagues from the coast of the United States, together with an extract from a further telegram dated the 26th September† giving the purport of a statement issued by the United States Government as to the searching of ships in future by the United States Prohibition Authorities outside the three-mile limit.

2. In this connexion it should be mentioned that there had been several cases in which British registered vessels, among others, were seized outside the three-mile limit by the United States Prohibition Authorities on the ground of alleged violations of the United States Customs and Prohibition Laws. I enclose a copy of a despatch from His Majesty's Ambassador to the Governor-General of Canada, dated the 5th September, which explains the attitude adopted by His Majesty's Government in regard to such cases.

3. I also enclose copies of two telegrams‡ sent to Moscow in March of this year regarding the arrest by the Soviet Government of the British trawlers "St. Hubert" and "Magneta" off the Murmansk coast. Further evidence brought out the fact that the "St. Hubert" was outside even a twelve-mile limit at the time of her arrest.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 3 in No. 301.

(No. 242.)

MY LORD,

British Embassy, Washington, D.C., 5th September, 1922.

I HAVE the honour to inform Your Excellency that the Canadian Gasboat "Half Moon," Captain R. E. B. Hunt, which cleared from Vancouver on 14th July last, ostensibly bound for Bonilla Point, was seized on 18th July at Port Angeles, Washington, by the United States Prohibition Authorities, after having been towed

* Enclosure 1 in No. 300. † Enclosure 2 in No. 300. ‡ Enclosure 1 and 2 in No. 298.

into that port in distress. The seizure was made on the grounds that the cargo, the owners and consignees of which were the Calgary Export Company of Vancouver, consisted of contraband goods in the shape of liquor destined for the United States. While it does not seem possible for the prosecution to advance any proof of the violation of the prohibition laws, it is almost beyond doubt, in view of the position of the vessel at the time of seizure, that she was engaged in liquor smuggling.

Numerous cases of this nature involving British registered craft have recently occurred on the east coast of the United States. On the instructions of the Foreign Office I have confined my intervention to entering a general reservation of the right of His Majesty's Government to protest the seizure of British registered craft outside the three-mile limit. Therefore, as each individual case arose, I have done no more than to endeavour to secure equitable treatment, and the briefest possible period of imprisonment, for the British members of the crew of the vessel concerned.

In the present instance, although the circumstances are somewhat dissimilar, I venture to think that I should continue this procedure, unless the owners of the cargo are in a position to show conclusively that the voyage was a *bona fide* commercial undertaking.

I have, &c.,
(For the Ambassador)
R. C. CHILTON.

His Excellency
The Lord Byng of Vimy, G.C.B.,
&c., &c., &c.,
Governor-General of Canada,
Ottawa.

TURKEY.

- (1) Proposed Modification of Treaty of Sèvres.
(Treaty Series, 1920, No. 11.)

18342

No. 302.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.30 a.m., 18th April, 1922.)

TELEGRAM.

[Answered by No. 303.]

(Paraphrase.)

18TH APRIL. Report has reached here that His Majesty's Government propose to hand over to Greece the Gallipoli Peninsula. In my Prime Minister's opinion to give effect to any such proposal would be very unpopular in New Zealand, and he believes also in Australia, and moreover it would create a very serious offence to the Mohammedan population throughout the British Empire. Prime Minister's view is that we have nothing to thank the Greeks for, and that, if the idea is contemplated by His Majesty's Government the very least that should be done would be to keep that part of the Gallipoli Peninsula in which our troops are buried, under the control of a British Commission. Nothing less would satisfy the people of New Zealand in whom British sentiment is very keenly alive, and who would view any departure from the arrangement intended in this connexion under the Turkish Treaty as a breach of faith. The Prime Minister would be grateful if His Majesty's Government's intentions in this matter could be communicated to me for the information of the New Zealand Government at the earliest possible moment.—JELlicoe.

19645

No. 303.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.45 p.m., 29th April, 1922.)

TELEGRAM.

(Paraphrase.)

WITH reference to your telegram 18th April* on the subject of the Gallipoli Peninsula. Greek sovereignty over this district, subject to demilitarization and Allied military occupation, was provided for by the Treaty of Sèvres. The proposals of the Allied Foreign Ministers who recently conferred at Paris on the Near Eastern problem do not affect these arrangements or that as to graves in Articles 218, 219. Full accounts of the proceedings at Paris are on their way to your Prime Minister. See my despatch Dominions 115 of 10th April† for statement embodying proposals.—CHURCHILL.

(2) Near East Crisis—September-October, 1922.

46342/S

No. 304.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 11.30 p.m., 15th September, 1922.)

TELEGRAM.

[Answered by Nos. 305, 308, 312, 313, 318, 319 and 333.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Paraphrase.)

SECRET. Following for your Prime Minister from the Prime Minister:—

Begins: Decision taken by Cabinet to-day to resist aggression upon Europe by the Turks and to make exertions to prevent Mustapha Kemal driving the Allies out of Constantinople and in particular, and above all, to secure firmly the Gallipoli Peninsula, in order to maintain the freedom of the Straits. We have received a notification from the French Government that they are in agreement with us in informing Mustapha Kemal that he must not violate the neutral zone which protects Constantinople and the Straits, and that their High Commissioner at Constantinople has been instructed accordingly. The Italians also are acting in general concert with us. We hope to secure the military participation of Greece, Roumania, and Serbia in the defence of the deep-water line between Europe and Asia, and we are addressing them accordingly. All the aforesaid Powers are being notified of our intention to make exertions, and that British division is to be placed under orders to reinforce the Allied Commander-in-Chief, Sir Charles Harington. The co-operation of the British Navy will also be forthcoming to the fullest extent necessary. The object of these arrangements is to cover the period which must elapse before it is possible to secure a stable peace with Turkey. Proposals are being made to hold a conference for this purpose, probably at Venice, but possibly at Paris, and the essential point is that we should have sufficient strength to maintain our position round the Straits and in Constantinople until this peace has been achieved. It seems improbable that if a firm front is shown by a large number of Powers acting together, the forces of Mustapha Kemal will attack. His armies, which have so far not had any serious resistance to encounter from the disheartened Greeks, are estimated at between sixty and seventy thousand men. But timely precautions are imperative. Very grave consequences in India and among other Mohammedan populations for which we are responsible might result from a defeat or a humiliating exodus of the Allies from Constantinople.

* No. 302. † 14892: not printed; it enclosed a copy of a Press statement showing the results of the discussions between the Allied Foreign Ministers of March, 1922, on the Near East situation.

I should be glad to know whether the Government of the [Dominion of Canada] [Commonwealth of Australia] [New Zealand] [Union of South Africa] wish to associate themselves with our action and whether they desire to be represented by a contingent. Not only does the freedom of the Straits for which such immense sacrifices were made in the War involve vital Imperial and world-wide interests, but we cannot forget that there are 20,000 British and Anzac graves in the Gallipoli Peninsula, and that it would be an abiding source of grief to the Empire if these were to fall into the ruthless hands of the Kemalists.

The announcement of an offer from all or any of the Dominions to send contingents even of moderate size would undoubtedly exercise in itself a most favourable influence on the situation, and might conceivably be a potent factor in preventing actual hostilities.

This telegram has also been sent to the Governors-General of [Canada.] [Australia.] [New Zealand.] [South Africa.] *Ends.*

—CHURCHILL.

(Similar telegram sent to Officer Administering Government, Newfoundland, 17th September, 1922.)

46343/S

No. 305.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.30 p.m., 16th September, 1922.)

TELEGRAM.

[Answered by No. 311.]

(Paraphrase.)

16TH SEPTEMBER. Your telegram 16th September*; following from my Prime Minister for Prime Minister:—

Begins: Government of New Zealand wish to associate themselves with action which is being taken and will send contingent. *Ends.*

—JELICOE.

46342/S

No. 306.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5 p.m., 17th September, 1922.)

TELEGRAM.

(Paraphrase.)

VERY urgent and Secret. Following for General Smuts; private and personal:—

Begins: With reference to my Secret telegram of 15th September,* we do not contemplate prolonged or serious fighting near Constantinople; it is much more probable that nothing will occur, as, pending the Conference, the firm attitude of the Allies will restrain the Kemalists. The position as regards the Gallipoli Peninsula, of Australia and New Zealand, is a special one on account of their heavy losses there during the War. We certainly do not expect South Africa to make similar exertions, but we have made the invitation common to all the Dominions from the point of view of the importance of Imperial solidarity. Even if South African representation were almost nominal, any response that you could make in this sense will be very helpful. *Ends.*

—CHURCHILL.

* No. 304.

46342/S

No. 307.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE ACTING GOVERNOR.

(Sent 5.30 p.m., 17th September, 1922.)

TELEGRAM.

[Answered by No. 312.]

(Paraphrase.)

SECRET and very urgent. Following is private and personal for your Acting Prime Minister:—

Begins: With reference to my Secret telegram of to-day's date,* we felt that in the general inquiry we were making from the Dominions, it was our duty to include Newfoundland; more especially having regard to the fact that a Newfoundland battalion fought with distinction on the Gallipoli Peninsula. We do not wish in making these inquiries of your Government to impose upon you the assumption of any serious burden. We think it is highly probable that the necessity for serious and above all prolonged fighting will be avoided by the firm attitude of the Allies, but at the same time any expression of association with the policy, and readiness to assist would be taken as illustrating the solidarity of the Empire. *Ends.*

—CHURCHILL.

46517/S

No. 308.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.40 a.m., 18th September, 1922.)

TELEGRAM.

[Answered by No. 309.]

(Paraphrase.)

SECRET. 17th September. Following from my Prime Minister for your Prime Minister:—

Begins: Before communication could be sent to myself or other members of the Government of Canada of the contents of your cable* sent through Governor-General despatches from England appeared in our Press announcing the British Government's invitation to Canada to participate in resisting Turkish forces by despatch of troops. This has caused a most embarrassing situation, and Press representatives are inquiring of me if any, and if so what, communication has been received from the British Government. Seeing that your message takes the form of a secret telegram, your sanction seems to be necessary before disclosure of its contents. I should be glad to receive immediate reply by telegraph as to your wishes in the matter, stating whether I am at liberty to disclose the contents of the communication the British Government desires to have made public as coming from them to Government of Canada.

Parliament will certainly (?) ask for copies of all official correspondence in this matter to be produced, and I should be glad therefore if you would clearly indicate what communications, if any, should be considered as not coming within the return that may be expected. *Ends.*

—BYNG.

* No. 304.

46517/S

No. 309.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.15 p.m., 18th September, 1922.)

TELEGRAM.

[Answered by No. 320.]

(Paraphrase.)

FOLLOWING from me for your Prime Minister. Secret and Personal:—
Begins: The message from the Prime Minister, which I transmitted to you on the 15th September,* is not suitable for textual publication. There would be no objection to the substance being given to the public, as has been done in Australia, but I send you on behalf of the Prime Minister a further telegram† separately, in case you want a message, the actual text of which can be laid before your Parliament.

It was in view of the special associations which they have with Gallipoli that we have communicated with Australia and New Zealand, and we felt bound to make the message common to all the Dominions. There is no probability of a serious war, but it is essential to prevent the Kemalists from crossing the Straits and entering Constantinople, except in accordance with the decision of a Peace Conference which will, among other things, effectively secure the freedom of the Straits, probably under some international arrangement. The main factor on which we rely is, of course, the British Navy, and we think it unlikely that hostilities will occur if the Allies continue to act together in forbidding the Kemalists to invade the neutral zone now guarded by Allied troops. However, it is extremely important that Great Britain should adopt a firm attitude, and anything that your Government can contribute towards the sense of Empire solidarity would be of the utmost value. At this juncture a statement to the effect that the Dominion of Canada associates itself with the general position of the Allied Powers in insisting upon the freedom of the Straits and would be represented by a contingent if the need arose, would be quite sufficient. That the actual need for despatching the contingent will arise seems most improbable, and in any case it is contemplated that it would be only of a very moderate size. Australia and New Zealand have already replied in a favourable sense.

It is a matter of great regret to me that it was not possible to give you longer notice, but the crisis developed too suddenly. I am sure that you will so handle the matter as to give the utmost moral support at this stage.
Message Ends.

—CHURCHILL.

46517/S

No. 310.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.0 p.m., 18th September, 1922.)

TELEGRAM.

[Answered by No. 320.]

FOLLOWING for your Prime Minister. Following for publication:—

Begins: In view of the possibility that the Turks under Mustapha Kemal may attempt aggression upon Europe His Majesty's Government, in concert with the Governments of France and Italy, have decided to resist any such attempt, to safeguard for the time being the position of the Allies at Constantinople and above all to maintain the freedom of the Straits by securing their firm hold on the Gallipoli Peninsula.

* No. 304.

† No. 310.

The Allied High Commissioners at Constantinople have accordingly been instructed to inform Mustapha Kemal that he must not violate the neutral zone which protects the Straits and Constantinople. British reinforcements have been placed under orders to join the Allied Commander-in-Chief at Constantinople, Sir Charles Harington, and the British Navy will co-operate to the fullest extent. These arrangements are intended to secure the situation pending the meeting of a Conference, the aims of which will be to secure a stable peace with Turkey, and timely precautions are imperative.

His Majesty's Government trust that in view of the vital Imperial and world-wide interests involved in the freedom of the Straits, for which such immense sacrifices were made by the Empire during the War, the Dominion of Canada will associate themselves with the proposed action, and the evidence of united purpose which would be afforded by the despatch of a contingent should circumstances render it necessary would exercise a most favourable influence upon the situation. *Ends.*

—CHURCHILL.

46343/S

No. 311.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 7.20 p.m., 18th September, 1922.)

TELEGRAM.

(Commonwealth of Australia.)
(New Zealand.)

FOLLOWING from Prime Minister for your Prime Minister:—

Begins: Your prompt response* to our inquiry regarding troops to resist any thrust against freedom of Straits and sanctity of Gallipoli Peninsula has been received here with enthusiasm. The Empire cannot consent to sacrifice results of gallant struggle and final victory of its sons in the Eastern theatre.
Ends.

—CHURCHILL.

Note.—The following is an extract from a statement issued to the Press by the Prime Minister of the Commonwealth on the 17th September, 1922.

"Immediately on receipt of the message I consulted all of my colleagues whom I could reach, and the Government has decided to notify Mr. Lloyd George that it desires to associate itself with the British Government in whatever action is deemed necessary to ensure the freedom of the Straits and the sanctity of the Gallipoli Peninsula, and would be prepared, if circumstances required, to send a contingent of Australian troops.

I have informed Mr. Lloyd George that the matter will be brought before the Parliament of the Commonwealth on Tuesday (the 19th September) in order that it might express its opinion on the whole matter."

46541/S

No. 312.

NEWFOUNDLAND.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 8.45 p.m., 18th September, 1922.)

TELEGRAM.

[Answered by No. 315.]

(Paraphrase.)

18TH SEPTEMBER. Your telegrams 17th September† following reply sent at the request of the Acting Prime Minister:—

Begins: Ministers appreciate position taken by His Majesty's Government and Allies, and are in fullest sympathy therewith. I believe that, at in past, Newfoundland will be ready to render all assistance available. *Ends.*

—HORWOOD.

* No. 305.

† Nos. 304 and 307.

46542/S

No. 313.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.30 a.m., 19th September, 1922.)

TELEGRAM.

[Answered by No. 316.]

(Paraphrase.)

18TH SEPTEMBER. Secret. Following for your Prime Minister from Prime Minister:—

Begins: Representations contained in your telegram of 15th September* have been under consideration of Cabinet. The Government's view is that public opinion of Canada would demand authorization on the part of Parliament as a necessary preliminary to despatching a contingent to participate in Near East conflict.

Fullest possible information will be welcomed by us in order that we may decide upon the advisability of summoning Parliament. *Message ends.*

—BYNG.

46834/S

No. 314.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.36 a.m., 19th September, 1922.)

TELEGRAM.

[Answered by No. 324.]

(Paraphrase.)

19TH SEPTEMBER. Following from my Prime Minister for Prime Minister:—

Begins: I should be glad to receive early information as to whether immediate despatch of small contingent is required for sake of moral effect, to be followed, if necessary, by reinforcements.

It would be of assistance if recommendation could be made as to strength and composition of advance contingent and of larger force. *Ends.*

—JELlicoe.

46541/S

No. 315.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE ACTING GOVERNOR.

(Sent 9.50 p.m., 19th September, 1922.)

TELEGRAM.

(Paraphrase.)

FOLLOWING for your Prime Minister from Prime Minister:—

Begins: Your prompt response† to our inquiry regarding troops to resist any thrust against sanctity of Gallipoli Peninsula and freedom of Straits has been received here with enthusiasm. The Empire cannot consent to the results of the gallant struggle and final victory of its sons in the Eastern theatre being sacrificed. *Ends.*

—CHURCHILL.

* No. 304. † No. 312.

46918/S

No. 316.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 10.30 p.m., 19th September, 1922.)

TELEGRAM.

[Answered by No. 322.]

(Paraphrase.)

FOLLOWING for your Prime Minister from Prime Minister:—

Begins: The attitude of Canada at this moment is of great importance. We do not ask for any immediate decision to send troops. We should immediately summon Parliament here if large reinforcements were to prove necessary, and should at once notify you of our decision to do so. Presumably it is not necessary for you to summon Parliament till then, and we hope it may not be necessary at all. A definite statement, however, that in the event of the terms of the Armistice being broken Canada will stand by the Empire will do much to ensure that peace is maintained. *Ends.*

—CHURCHILL.

46918/S

No. 317.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND ACTING GOVERNOR.

(Sent 1.40 a.m., 20th September, 1922.)

TELEGRAM.

[Answered by Nos. 329 and 332.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

(Paraphrase.)

I SEND you at the request of the Prime Minister for your information, though not for publication or textual quotation, the following review of the position to date:—

Begins: The following is the situation. The evacuation of Asia Minor by the Greeks is now complete, and what remains to be settled is the future of the Straits and the disposition of European Turkey and Constantinople. The British Government, while they are quite prepared to discuss the settlement with every regard for Turkish as well as other interests, consider the following conditions essential to any lasting arrangement. *First.* The neutrality of Gallipoli, and the freedom of the Straits must be guaranteed for all time. *Second.* Any modification of the existing Treaties must be brought about not by force of arms, but by conference. *Third.* Mustapha Kemal must in the meantime respect the terms of the Armistice concluded with the Allies by Turkey in 1918. Any breach of the terms of the Armistice which at the moment governs our legal position, and any invasion of the neutral zone will be resisted if necessary by force. No reply has yet been received to an inquiry addressed to Kemal as to whether he proposes to respect the Armistice pending a Conference or not.

In the meantime we regard it as most important clearly to show the reality of our determination that the neutral zone shall be respected and that the solution shall be reached by Conference. From this standpoint two things are specially important. *First.* It is necessary immediately to reinforce our Naval, Military and Air Forces in the Gallipoli area in order to show that we can stop any sudden breach of the Armistice. We are doing this with good effect. *Second.* We must make it absolutely clear that the position

of the Empire if challenged will be maintained firmly against any Turkish forces which can be mobilised against us. From this point of view the moral support of the Dominions and the undertaking to send contingents should the necessity arise is of the utmost value, not only in impressing the Turks, but in keeping our Allies sound. Although there is a general tendency to loss of morale among the Christian Powers in regard to the Eastern question, a quiet demonstration of firmness on our part supported by the Dominion Governments should be decisive. We are confident that any immediate attack can be resisted by the forces which we now have on the spot, with the assistance of the Navy and the Air Force, and the Admiralty has declared its ability to prevent the passage of troops from the Asiatic to the European shore, whether in the Bosphorus or the Marmora or the Dardanelles.

From the above it will be seen that there is in our opinion no immediate need for the organization of Dominion contingents, except as a means of showing the solidarity of the Empire in safeguarding the results of the War in the Eastern theatre. At present the French attitude is unsatisfactory, but in spite of their fear of standing up to the Turks they are unlikely to leave us in sole control of the Gallipoli Peninsula because it is a standing terror with them that Gallipoli may become another Gibraltar in the East of the Mediterranean. Lord Curzon, accompanied by Admiral Beatty, has just left for Paris to discuss the position with the French Government, and we are not by any means unhopful of a satisfactory agreement. In this respect the attitude of the Balkan nations, who were all signatories to the Treaty of Sevres, is important, since France has to consider her obligations to them as well as her desire to stand well with the Turks. The Balkan Allies are naturally opposed to the return of the Turk to Europe, since this would make inevitable another Balkan war in the near future. Assistance has been promised by Roumania if necessary at once, and the Serb-Croat-Slovene Government, although it has as yet come to no decision, is not likely to adopt a very different attitude. We hope, therefore, to be able to keep the Allies with us in resisting an appeal to force and in demanding a solution by Conference. By no means are we averse to the League of Nations intervening in the settlement when the time comes, but the first necessity is to ensure that the Turks respect the neutral zone, just as we insisted on the Greeks respecting it when they threatened Constantinople last month, and that the Peace Conference should meet in confidence that pending a settlement the Armistice will not be broken.

In taking up this attitude we are putting forward no new claims or fresh obstacles in the way of peace. We are, on the contrary, standing by our engagements, and we are absolutely convinced that much trouble will be saved in the future with the whole Mohammedan world by a quiet but decisive demonstration that the British Empire is not to be threatened or bluffed. To be weak, on the contrary, may lead to widespread disorder amongst Mohammedan populations everywhere. There is no question of our ability to deal with Mustapha Kemal should this become inevitable, as he commands only a force of 60,000 rifles, but our desire is to prevent hostilities by an immediate show of firmness, and the effect of the promise of Dominion contingents has already been most valuable from this standpoint. *Ends.*

—CHURCHILL.

46974/S

No. 318.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.27 a.m., 20th September, 1922.)

TELEGRAM.

[Answered by Nos. 321, 323 and 330.]

(Paraphrase.)

20TH SEPTEMBER. Following from my Prime Minister for Prime Minister :—
Begins: Your telegram* was not received till late in the afternoon on Sunday and after arrival in Australia of Press messages giving substantially

* No. 304.

same information given to Press by yourself. This in a matter of such grave importance is most unfortunate as it precludes that full and judicial consideration of the position by Commonwealth which is its clear right as a national Government. It is not right that a Dominion should be stampeded into action by premature statements in the Press disclosing a position which, even admitting its gravity, is not set out in detail, and upon which no information had been previously received by the Commonwealth Government suggesting the probability of the Empire being involved in hostilities. Foreign Office despatches many weeks old relating to Greco-Turkish position have no doubt been received from time to time; but no information has come to hand suggesting that the Empire was likely to be involved in hostilities and no telegrams have been communicated to us bearing upon recent developments in the Near East.

Thus your telegram informing us that the British Cabinet had decided to take prompt action against the Kemalists came as a bolt from the blue. And we have not been told even now by what action of the Kemalists this decision has been necessitated. And as it would appear that the Press was notified before your telegram reached me of the fact that you contemplated hostilities, and that the Dominions were asked to associate themselves with Britain and send contingents, the Commonwealth Government found itself in most embarrassing position of being asked to decide not between peace and war, for Britain had already determined that issue without consultation with the Commonwealth, but whether after Britain had decided to go to war and had notified the Press that she had asked the Dominions whether they wished to join her, it was possible for us in all the circumstances to say that we could not do so. The point the Commonwealth Government desires to emphasize most strongly is this, that consultation with the Dominions ought to take place before any action is taken or irrevocable decision is made by Britain, as then and then only can our voices be heard and our counsels heeded. Either the Empire is one and indivisible or it is nothing. If it is only another name for Britain, and the Dominions are to be told that things are done after they have been done, and that Britain has decided upon war, and are then to be asked whether they wish to be associated with her and to stand by her side, when they have in fact no other alternative, then, it is perfectly clear, the relations between the Dominions and Britain being what they are, that all talk about the Dominions having a real share in deciding foreign and Imperial policy is empty air.

I feel that I ought to speak quite frankly and say that the unity of the Empire is gravely imperilled by such action.

The Australian people are sick of war. In their view war, except in defence of vital national interests, is not only a blunder but a crime. While they fully recognize the importance of the freedom of the Straits and would be grieved and angry if the sanctity of Anzac graves in Gallipoli were violated, they have no sympathy whatever with King Constantine's ambitious projects. They do not understand why the Dominions were not consulted before Britain took action, and before the situation had developed, and they do not understand why the Allies did not restrain the Greeks long ago from such action as it now appears has led up to the present deplorable situation. That situation is the natural and indeed inevitable result of the policy of action or inaction which the Allies have pursued in regard to Greece and Turkey. Australians have seen war raging for many months, great armies arrayed against one another almost within gunshot of Geneva, and they ask themselves what has the League of Nations that was to bring war to an end been doing to bring about peace. Towards the upkeep of the League Australia has paid and is paying very large sums of money. For a very long time war has been raging at its very doors. It now threatens to spread over the whole world. What is the League doing? Apparently it is fiddling with unimportant matters while the world is once more in danger of a general conflagration. Australia must ask that the League of Nations should actively interfere in this struggle; it was established to maintain peace, let it do so; if it cannot or will not, let it acknowledge itself helpless and make way for some more effective means. In order to make clear to the world the position of Australia in this grave matter, her representatives at Assembly now sitting at Geneva have been requested to urge the League to take immediate action.

I hope that I have made it clear that believing in the unity of the Empire as we do, and notwithstanding it has not been consulted until the Empire was by the declaration of the British Government committed to action, Australia will associate itself with Britain in retaining the Gallipoli Peninsula, and in maintaining the freedom of the Straits. But we think that we are clearly entitled to be told precisely what is the policy of Britain and her Allies in the Near East, and to have set out in most definite terms just how far Britain desires and intends to go. And we want to know (*corrupt group*) what is the policy of France and Italy and the other Powers who are allied with Britain.

First as to the policy of Britain, or rather of the British Empire, the Commonwealth Government fully recognize the most important bearing of the situation in the Near East upon Mesopotamia, Arabia, Egypt, India, and upon the Empire as a whole. This being so, what we desire to know is what is the policy of Britain towards Turkey in Europe and in Asia, and what it proposes to do towards effecting a *modus vivendi*. Mention is made of a Conference; well, what is to be done there? What are you prepared to concede? Anything? Nothing? The Empire is a world in itself composed of many countries peopled with different races holding widely different religious and other opinions. Is Britain's policy satisfactory to the Moslems in Turkey and throughout the British Empire? If not, is any modification compatible with vital Imperial interest possible and contemplated? We are prepared to back Britain in frustrating the ambitious projects of Kemal, with which we have, of course, no sympathy whatever. On the other hand, Australia is not prepared to risk one soldier's life in furthering the schemes of Constantine. Aggression leads to counter-aggression: violence to further violence; and unless the cause for which we fight is just, and the military objective is laid down in the most precise and definite way we are not prepared to participate actively in a war. We are not, for example, to be dragged behind the chariot of French intrigues and ambitions in the Near East. Australia will not be a party to treating Turkey unjustly because it is weak. Are we asked, for example, to associate ourselves in an enterprise whose object is to maintain the *status quo* under the Sèvres Treaty? What we want to know is, are we to defend the neutral zone, ensure the inviolability of the Gallipoli Peninsula and the freedom of the Straits, but go no further no matter how much France, Greece, or the Balkan States may urge us to take advantage of the superior naval and military strength of the Allied forces? Is it the settled and deliberate conviction of the British Government that the provisions of the Treaty of Sèvres are fair to Turkey and to the Moslem world, and that no further concessions can be or ought to be made? If not, then to what extent and in what direction ought Treaty to be modified in order to meet the legitimate demands of Turkey? The Commonwealth Government, while expressing no opinion on the provisions of the Treaty of Sèvres relating to Turkey, strongly urges that if it is possible to make any modifications likely to render it more acceptable to Turkey, they ought to be offered now before hostilities commence. Every effort ought to be made to avoid war. In the unsettled state of the world, war is like going with a lighted torch into a powder magazine. The Empire must set an example to the world. It must not go to war to gain more territory for itself or its Allies or do anything incompatible with its solemn declarations during the Great War and since the Armistice. It ought not to go to war unless in defence of its clear rights, and unless these are vital to Empire. And the League of Nations must be appealed to and be compelled to shoulder its responsibilities and either prove its worth or confess its futility. Australia wants also a plain and detailed statement on the policy of France in regard to Thrace, Smyrna, and the Near East generally. To what extent is the Treaty of Sèvres or its attitude or its policy towards Kemal, Gallipoli, and the Straits affected or impaired by the Franklin-Bouillon Treaty? Was the Angora Government financed or supported by France against Constantine? Did Britain or any other of her allies support Constantine in his campaign in Thrace and Angora? What is the general policy of France or Italy? What troops if any have they agreed or are they likely to supply?

The Commonwealth Government hopes this frank expression of its views will not be misunderstood by the British Government. Frankness on a matter of such grave importance is imperatively demanded. The Empire ought not to be pushed into a war. The Dominions ought not to be asked whether they will associate themselves with Britain after Britain has in effect committed them. And, above all, they should not be asked to join in an unnecessary or unjust war. Once the war is begun, no one can say where it will end. We are a peace-loving democracy. We have been through a dreadful ordeal in which we hope that you and the world will agree we played our part worthily. In a good cause we are prepared to venture our all; in a bad one, not a single man. In our own defence and in that of the Empire we are quite ready to fight, but we must know where we are going.

Ends.

—GOVERNOR-GENERAL.

46975/S

No. 319.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.0 a.m., 20th September, 1922.)

TELEGRAM.

(Paraphrase.)

20TH SEPTEMBER. Unanimous resolution was passed last night by House of Representatives endorsing action of Government communicated in my telegram 16th September,* after amendment of Labour Party to the effect that Parliament and people should have first been consulted had been defeated by fifty-seven to seven. Over five thousand had registered names up to last evening, although no volunteers yet called for. Imperial spirit strikingly exhibited throughout the Dominion. Prime Minister would appreciate telegraphic review of the general situation from time to time.—JELlicoe.

46998

No. 320.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.18 a.m., 20th September, 1922.)

TELEGRAM.

19TH SEPTEMBER. Following for you from my Prime Minister:—
Message Begins: Please accept my best thanks for your two telegrams† of yesterday which were duly received. We have arranged daily sittings of the Cabinet, and shall await information in accordance with understanding of my cable message‡ in answer to that of Prime Minister of the 15th September.§ *Message Ends.*

—BYNG.

46974/S

No. 321.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.30 p.m., 20th September, 1922.)

TELEGRAM.

[Answered by No. 329.]

(Paraphrase.)

FOLLOWING from me for your Prime Minister: Private and Personal:—
 Your long telegram of the 20th|| has been sent by me to the Prime Minister, who is out of town for a few hours, by a special messenger, and I will transmit to

* No. 305. † Nos. 309 and 310. ‡ No. 308. § No. 304. || No. 318.

you his reply* as soon as possible. Let me say meanwhile that I feel acutely the difficulty in which the rapidity with which this situation has developed has placed you. It is very important for us to hold Chanak, without which the navigation of the Straits would be gravely compromised. Our force at Chanak is a very small one, though we are doing our utmost to reinforce it as quickly as possible. The immediate danger and urgency is that Kemal should invade the neutral zone, march on Chanak, and with greatly superior forces attack our troops. If he does not do this, but remains outside the neutral zone or at any rate out of contact with our men, the peril of immediate rupture will be averted. When the Prime Minister sent his telegram† to you the Cabinet had before them statements attributed to Kemal that he would be at Chanak in eight days, four of which have already passed. To-day it is reported that Turkish cavalry are already at Bigha, fifty miles away. From Smyrna the Navy report that considerable forces of Turkish cavalry and infantry are moving north, i.e., towards Chanak. From secret sources which must not be referred to we also know that the Turkish Foreign Minister, who is at present in Paris, had telegraphed to the Angora Government strongly urging a march on Chanak immediately where "the English would not dare to resist."

In the circumstances then known to us and not since removed, it seemed to us that the best chance of preventing fatal consequences lay in a firm and immediate indication that Great Britain could not submit to the infraction of the neutral zone or the compromising of the freedom of the Straits. You will remember how often it is said that if Great Britain had taken up a plain and clear position at the beginning of the fateful week the Great War itself might have been averted. The Prime Minister therefore, as result of Cabinet decision, sent you the telegram you have received. We also felt the next day that it was indispensable that the country as a whole should be enlightened on the gravity of the situation of which, in spite of their proximity to the scene, they were as little conscious as your own public in Australia. Once the telegrams had been despatched to the Dominions the fact was bound to become public within a few hours through the immediate response which New Zealand made. That Press messages should have overtaken the official telegram, which had to be ciphered and deciphered, is certainly a matter for the very greatest regret.

I hope you will consider any defect in procedure in the light of the emergency and of our anxiety to avert war.

Last night, at the request of the Prime Minister, I sent you a review‡ of the situation, to which this "Private and Personal" of mine is supplementary. As the situation develops I will make it my business to keep you informed privately.
—CHURCHILL.

47259/S

No. 322.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.20 a.m., 21st September, 1922.)

TELEGRAM.

(Paraphrase.)

20TH SEPTEMBER. Secret. Following for your Prime Minister from Prime Minister:—

Begins: I have just received your telegram 19th September.§ Government is gratified to learn that under present circumstances there is no necessity of summoning Parliament. Canadian public opinion confirms the belief expressed in our previous message|| that Parliament must determine such action as Canada should take with respect to the situation which has arisen in the Near East. We have not thought it necessary to re-assert the loyalty of Canada to the British Empire. You may rest assured that should the summoning of Parliament become necessary, Canada, by decision of its Parliament, will act in a way that the full duty of Canadian people will be carried out. *Ends.*

—BYNG.

* Nos. 323 and 330. † No. 304. ‡ No. 317. § No. 316. || No. 313.

46974/S

No. 323.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.20 p.m., 21st September, 1922.)

TELEGRAM.

[Answered by No. 329.]

(Paraphrase.)

SECRET. With reference to your telegram 20th September.* Following for your Prime Minister from Prime Minister:—

Begins: I hope that the most important questions in your long personal telegram* just received will have been answered by the appreciation of the position and other information telegraphed† to you yesterday. As you know, no one feels more strongly than I do the great importance of keeping you and all my fellow Prime Ministers in the Dominions informed fully of the problems which face us and of the considerations which we think should guide our policy. There was really no failure on our part in this respect. Full information regarding every stage of the Turkish question has steadily gone out to you. This last phase, however, was sprung upon us suddenly by the totally unexpected collapse of the Greek armies and the sudden threat of the Kemalist forces to advance upon Constantinople and Gallipoli, thereby breaking the terms of the Armistice. Not to have resisted this firmly at the very outset would, in our opinion, have been to sacrifice everything that we won in this theatre in the War. There was no idea here of trying to rush the opinion of Australia or any other Dominion. But the threat to the neutral zone was extremely sudden, and stopping it meant an effective declaration of policy by the British Empire within a comparatively small number of hours. It was because we remembered all that Dominion statesmen, including yourself, have said regarding your legitimate grievance in the first week of August, 1914, because nothing had been officially done to explain to the Governments and the public the serious and critical character of the issues by which we were then faced, that we made public the statement of policy issued on Saturday. I regret very much that we should not have succeeded in making the position plain to you, and think I can do so best by taking the main points of your telegram in succession and answering them at once as clearly as I can. You express, in the first place, the fear that our action may drag the Empire into war. There is no question whatever of our declaring war, but only of war being resumed against us by the breach of the Armistice which at present regulates our relations with Turkey. In spite of all our efforts to make peace Turkey has hitherto absolutely refused to come to an agreement. We are perfectly prepared to make another effort at the present time, and in doing so to show the fullest regard for her interests, as well as for those of the many other States concerned, but we must insist (and I am sure that you agree with this) that the solution shall be reached not by surrender to force but by conference. Here lies the importance of showing the reality of our determination that until peace is signed the terms of the Armistice shall be preserved, and that Kemal shall not be allowed to rush the position by occupying neutral territory on the Asiatic side of the Dardanelles or the Bosphorus, which commands the passage through those Straits. In the second place, you mention the special interests of Greece and the dynastic interest of Constantine. Absolutely no part is played by these in the considerations by which we are moved. In March last we agreed in Paris that Greece should evacuate Asia Minor and that Constantinople should be returned to the Turks. The only reason this has not been done before is that Kemal refused the terms which the Sultan's Government had accepted, and that Greece insisted on maintaining her position in Asia Minor longer than her troops were really able to stand, because she thought it her duty to get the best guarantees possible for the Minorities, which during the War had fought on her side and on the Allied

* No. 318. † Nos. 317 and 321.

side. Guarantees under the League of Nations were then proposed, but Kemal would not concede anything. It is an open question whether or not the Greeks are to be blamed for taking great risks as they did with such disastrous consequences, in order that they might help the Minorities in Asia Minor. But our policy has no relation to that. The situation between Turkey and Greece in Asia has been definitely liquidated, and we are now brought back to the question of peace between the Allies and Turkey in matters which do not concern Greece one jot more than they concern the other Allied European nations.

In the third place you seem to fear that we may be guided by considerations which are of only secondary importance to the British Empire. I beg you to remove all such fears from your mind. Our supreme interest in the Near East is the freedom of the Straits and the neutrality of the territories which command the Straits both on the European and the Asiatic shores. This is, and has always been, the guiding consideration for us in deciding what terms of peace we are prepared to sign. The allocation of Thrace is not a primary interest for us. It concerns the Balkan nations directly and creates the imminent danger of a Balkan war which would involve Europe. If possible we desire to avoid this, because we desire that peace should be genuinely established everywhere, and because our interests suffer even from wars in which we are not directly concerned.

Nevertheless, we regard the allocation of Thrace as a secondary interest only, and are prepared to accept any reasonable terms in regard to it which the other interested States, including Turkey, can agree to accept.

In your suggestion that the League of Nations might be very well invoked to play some part in the settlement I am entirely with you. Lord Curzon, in point of fact, suggested last March in Paris, as you were then fully informed, that the whole question should be referred for decision to the League of Nations. This was refused by the French mainly on the ground that it would never be accepted by the Turks. It has ever since been perfectly well known that we are in favour of a reference to the League of Nations whenever such a reference is practicable, but what can the League of Nations do to prevent Mustapha Kemal, if he chooses to do so, from breaking the terms of the Armistice? Until all the Powers concerned are prepared to lay down their arms and accept a settlement by conference the League of Nations cannot intervene at all. That is what we are trying to secure, and that is what we believe we shall secure by a timely display of resolution and strength.

In another telegram* I will send you a full reply to the other detailed questions which you ask, but I hope that this message meets the main points on which you telegraphed to me, and that any fears which you may have entertained that we are engaging in a bellicose policy in matters of only secondary interest to the British Empire will be removed. *Ends.*

—CHURCHILL.

46834/S

No. 324.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 8.20 p.m., 21st September, 1922.)

TELEGRAM.

[Answered by No. 325.]

(Paraphrase.)

21ST SEPTEMBER. Following message for your Prime Minister:—

Begins: With reference to your telegram of the 19th September.† We are clear that to despatch immediately one battalion (one thousand men) and to form a brigade to be held in readiness would not only be of material assistance, but produce great moral effect in emphasizing solidarity of British Imperial interests in Gallipoli Peninsula and Dardanelles. All orders should be open, if situation clears, to cancellation at a moment's notice. *Ends.*

—CHURCHILL.

47301/S

No. 325.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.3 a.m., 22nd September, 1922.)

TELEGRAM.

(Paraphrase.)

22ND SEPTEMBER. As suggested in your telegram of the 21st September,* preparations are being made for the immediate despatch of one battalion, and the formation of a brigade. Pending announcement by my Prime Minister, please postpone publication.—JELlicoe.

47302/S

No. 326.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.37 a.m., 22nd September, 1922.)

TELEGRAM.

[Answered by No. 331.]

(Paraphrase.)

22ND SEPTEMBER. It is necessary for my Government to know as soon as possible, in the event of troops being required from New Zealand, proposed ports of disembarkation and whether horses can be supplied by His Majesty's Government. Please reply as soon as possible by telegraph.—JELlicoe.

47300

No. 327.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.47 a.m., 22nd September, 1922.)

TELEGRAM.

22ND SEPTEMBER. As evidence of the Imperial spirit of New Zealand, I may mention that although no call for volunteers has been issued, over 12,000 officers and other ranks and 300 nurses had volunteered for service up to night of 21st September. It is estimated that about one-third of that number are returned soldiers.—JELlicoe.

47463/S

No. 328.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.10 a.m., 23rd September, 1922.)

TELEGRAM.

[Answered by No. 331.]

(Paraphrase.)

23RD SEPTEMBER. If His Majesty's Government are unable to supply the whole number of horses required for a brigade group, delay and transport would be saved if sufficient could be supplied for our advance battalion. Can this be done? Above refers to my telegram of 22nd September.†—JELlicoe.

47464/S

No. 329.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.3 a.m., 23rd September, 1922.)

TELEGRAM.

(Paraphrase.)

23RD SEPTEMBER. Personal and Private. My Prime Minister has been greatly reassured by full telegrams* of the last two days received from you and the Prime Minister. I should be glad if I could continue to be kept fully informed.
—FORSTER.

46974/S

No. 330.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.40 a.m., 23rd September, 1922.)

TELEGRAM.

(Paraphrase.)

SECRET. With reference to my telegram of 21st September.† Following from Prime Minister for your Prime Minister:—

Begins: I send you, as promised in last paragraph of my previous message,† following additional indications regarding points contained in your telegram of 20th September,‡ which have not already been answered.

(1) *French Policy.* You will have gathered from the Foreign Office papers which have been sent to you in print during the last year, that French policy is based on agreement with Turks on the lines of the Franklin-Bouillon Agreement of October last year, the text of which is contained in [Cmd. 1556.] Lord Curzon's comments on the Agreement will be found in his despatch to Paris No. 2863 of 3rd November, 1921. You should refer to correspondence between Foreign Office and French Embassy in November of that year ([Cmd. 1570]) for further illustration of the respective attitudes of His Majesty's Government and the French Government. Further light is thrown by Sir H. Rumbold's despatch No. 1051 of 21st November and Lord Curzon's despatch to Lord Hardinge No. 3189 of 1st December. The causes underlying French policy in the Near East are well given in Sir H. Rumbold's despatch No. 892 of 27th September, 1921, and in Lord Curzon's despatch to Lord Hardinge No. 344 of 2nd February last. Valuable commentary is also afforded by memorandum addressed to the Cabinet by the Secretary of State for Foreign Affairs on 7th October, 1921, and Sir Eyre Crowe's memorandum of 29th September of that year.

For more recent French policy you should read proceedings of the ten meetings held in Paris by the three Foreign Ministers from 22nd March to 26th March of this year, as also the despatch from Paris No. 1821 of 4th August and from Constantinople No. 683 of 1st August.

(2) *Italian Policy.* Agreement with the Turks is also desired by Government of Italy since they are anxious to obtain concession for raw material and emigration facilities for their surplus populations. The Italian Foreign Minister made general statement of their attitude on 7th June last, and this will be found printed as an enclosure in Rome despatch No. 518, 12th June.

(3) *British policy towards Constantine.* At one time it was hoped that Greece was capable of acting as guardian of the Straits. She can no longer be relied upon since her recent complete defeat. We see quite clearly that the problem of the Straits must be faced without counting on co-operation

* Nos. 317, 321 and 323. † No. 323. ‡ No. 318.

of Greeks, and whatever action is taken will be taken in interests of British Empire only, and there is no thought of considering Greek ambitions.

The printed Foreign Office despatches which you have received, and to some of which I have above made specific reference, record all the more important phases of the Near Eastern question during the last year. If, however, there are any further points on which you may be in doubt I should be glad to furnish explanations. *Ends.*

—CHURCHILL.

47463/S

No. 331.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.55 p.m., 23rd September, 1922.)

TELEGRAM.

(Paraphrase.)

YOUR telegram of 22nd September, your telegram of 23rd September*; horses for one battalion will be provided by Army Council.—CHURCHILL.

47626/S

No. 332.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8 a.m., 25th September, 1922.)

TELEGRAM.

(Paraphrase.)

25TH SEPTEMBER. Private and Personal. My Prime Minister and myself very much appreciate your telegraphic reviews giving such complete accounts of situation regarding Near East. That His Majesty's Government is doing all in its power to avert actual hostilities, consistent with safeguarding of British interests and prestige is fully realized by Mr. Massey.—JELlicoe.

47794/S

No. 333.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.20 p.m., 25th September, 1922.)

TELEGRAM.

(Paraphrase.)

25TH SEPTEMBER. Following message for Prime Minister from General Smuts:—

Begins: I regret that an answer to your message of 15th September† has been delayed by my absence on tour in inaccessible part of the Union. In the meantime position appears to have altered materially for the better, and no longer to call for the active intervention of the Union.

Union Government understands and appreciates determination of the Imperial Government to maintain the freedom of the Straits of the Dardanelles and of the Bosphorus, which was one of the most beneficial results of the Great War. They most sincerely trust, however, that military intervention of the Empire will not be necessary for the purpose, and they rejoice at the more favourable turn of events which has been largely brought about by the successful British diplomacy during the last week.

* Nos. 326 and 328. † No. 304.

They believe that the measures which have been taken by the Imperial Government to safeguard the position of the Straits pending the meeting of the coming Conference will be found adequate for the purpose. Very important question of policy would be involved as far as the Union is concerned by any decision of the Union Government to take part in military operations in Eastern Europe, and it is felt by the Union Government that such a step should not be taken without calling Parliament together.

They are relieved that that step is rendered unnecessary by the more reassuring information now in their possession.

With regard to peace in the Near East, the Union Government venture to express the opinion that the future régime for maintaining the freedom of the Straits should be placed under the League of Nations, and they trust such a solution will be approved by the coming Conference. *Ends.*

This message will be handed to the Press here for publication this afternoon.
—ARTHUR FREDERICK.

48509/S

No. 334.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.45 a.m., 29th September, 1922.)

TELEGRAM.

[Answered by No. 335.]

(Paraphrase.)

29TH SEPTEMBER. Private and Personal. Embarrassment has been caused to my Prime Minister by official news of the Near East situation received from you this week frequently arriving many hours later than its purport has appeared in the Press. At this stage it is very desirable to send frequent short summaries of the situation. I sent short "clear the line" message to you at 8 p.m., 28th September,* but as yet (11.30 a.m., 29th September) no reply has been received.
—JELlicoe.

48509/S

No. 335.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.40 p.m., 29th September, 1922.)

TELEGRAM.

[Answered by No. 337.]

(Paraphrase.)

29TH SEPTEMBER. Private and Personal. I am very sorry to learn from your telegram of 29th September† that your Prime Minister should be embarrassed by receiving news from me later than Press messages. What is happening is this: as events are moving so fast I am trying to supplement the Press news by giving you daily summaries of the situation as it appears to Cabinet here. This means that before dictating my own messages I have to wait till the Cabinet meetings are over (they are very frequent just now, sometimes three a day).

Mr. Massey, I assume, would like me to continue this procedure, but please assure him that there will be no avoidable delay. I will have all important messages sent "clear the line."—CHURCHILL.

* 48337: not printed; it contained an inquiry as to the situation.

† No. 334.

48614/S

No. 336.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5 a.m., 30th September, 1922.)

TELEGRAM.

(Paraphrase.)

30TH SEPTEMBER. Secret and Personal. Prime Minister told me at interview last night that he had made statements in the House and Press which were intended to strengthen the hands of the British Government.

I am sending you two extracts* "in clear," as I do not know how much will be published at home.—FORSTER.

48615/S

No. 337.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.0 a.m., 30th September, 1922.)

TELEGRAM.

[Answered by No. 341.]

(Paraphrase.)

30TH SEPTEMBER. Private and Personal. Many thanks for your telegram 29th September† regarding transmission of news. Procedure proposed which will be quite satisfactory is much appreciated. Any difficulty will be obviated by "clear the line" messages.—JELlicoe.

48628

No. 338.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.50 a.m., 30th September, 1922.)

TELEGRAM.

[Answered by No. 342.]

30TH SEPTEMBER. Personal. Following statement was made by Prime Minister in House yesterday:—

Begins: The Commonwealth Ministry was content to leave the matter in the hands of Great Britain, being convinced that interference at this end would be calculated to embarrass rather than to help the efforts made by Great Britain towards peace. The declaration of Australia's intention to assist was unqualified, and therefore it had been unnecessary to strengthen it. *Ends.*

After Cabinet meeting Prime Minister amplified this statement as follows:—

Begins: He said that he wanted to make it clear that in the Great War Australia had put into the field a larger army than the Turks could now muster. We shall do so again, said Mr. Hughes, if necessity arises, and it will be well if Mustapha Kemal remembers this. We are for peace, and we want the Turks to have a fair deal, but if war is to come Mustapha Kemal must not forget what the entry into war by Australia means. *Ends.*

Both statements appeared in Press to-day.—FORSTER.

* No. 338.

† No. 335.

48878/S

No. 339.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.15 a.m., 30th September, 1922.)

TELEGRAM.

[Answered by No. 341.]

(Paraphrase.)

30TH SEPTEMBER. Following from my Prime Minister:—

Begins: Telegrams from you and Prime Minister keep us fairly informed regarding Near East situation, but they almost invariably reach us many hours, and sometimes a day or more, after Press cables are published in local Press. This delay, which not only destroys the value of information but places us in most embarrassing position in Parliament where questions are naturally asked, probably arises from (1) departmental entanglement between the Colonial Office and the Foreign Office and (2) ciphering and deciphering in London and Melbourne, and I therefore venture to suggest that while the possibilities of this country being involved in war exist you will arrange for us to receive information direct from Foreign Office or Prime Minister, whoever has it, and where possible to send messages *en clair*. *Ends.*

—GOVERNOR-GENERAL.

48879/S

No. 340.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.56 p.m., 30th September, 1922.)

TELEGRAM.

(Paraphrase.)

30TH SEPTEMBER. Personal and Secret. Referring to my Prime Minister's telegram of to-day* as to direct communication from Foreign Office, etc., I pointed out to him last night that Press always beat Government in narration of events, while since the initial telegram dated 15th September† there had been no ground for complaint as regards statement of policy.

I am sure you will do utmost constantly to keep us informed.—FORSTER.

48878/S

No. 341.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 10.35 p.m., 30th September, 1922.)

TELEGRAM.

[Answered by No. 343.]

(Commonwealth of Australia.)

(New Zealand.)

(Paraphrase.)

FOLLOWING for your Prime Minister: Your telegram of 30th September.† Please observe that the most important message sent to General Harington yesterday by Cabinet was communicated to you twenty-four hours ago, and that as yet no inkling of it has appeared in the Press. I am, however, not always able to do this.

* No. 339. † No. 304. ‡ Nos. 337 and 339.

We frequently get here Press messages—which are often correct—in advance of the official report, and it is inevitable that you may be affected by similar anticipations. I send you my telegrams after Cabinet has taken some decision, whereas it may well have been that some of the materials for that decision have been public property for some hours. There is, in addition, the ciphering and deciphering. It would be quite impossible for me to send any messages of value *en clair* now, though the substance of part of them may almost immediately become public property. All messages of importance will be marked "Clear the Line." I quite appreciate your difficulty: I am doing my utmost to obviate it. You would save no time by direct communication from Prime Minister or Foreign Secretary. I am in communication with them hourly, and all our staff are working as one. I am, in fact, sure that the immense pressure would cause delay.—CHURCHILL.

48628

No. 342.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.15 p.m., 1st October, 1922.)

TELEGRAM.

(Paraphrase.)

FOLLOWING for your Prime Minister:—

Private and Personal. It was with feeling of profound encouragement and comfort that the Cabinet received your stirring and kindly words.* Their influence on the Eastern situation must be beneficial. They will have a very steadying effect also upon opinion in this country, which is naturally puzzled by the complexity of this tangled problem, though it is thoroughly sound. *Message Ends.*

—CHURCHILL.

48882/S

No. 343.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.45 a.m., 2nd October, 1922.)

TELEGRAM.

(Paraphrase.)

2ND OCTOBER. During the past few days your telegraphic messages have arrived with promptitude and regularity, and your short summaries of situation are of great value to my Prime Minister. Present system leaves nothing to be desired, and I can assure you that all you are doing under the very great pressure at which you and your staff are working is appreciated by Mr. Massey and myself. This refers to your telegram of 30th September.†—JELlicoe.

49606/S

No. 344.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.42 a.m., 5th October, 1922.)

TELEGRAM.

[Answered by No. 345.]

(Paraphrase.)

5TH OCTOBER. Secret. With reference to my telegram of 22nd September,† no steps have been taken yet to form brigade or battalion, although everything is

* No. 338. † No. 341. ‡ No. 325.

ready to do so at the shortest notice. Prime Minister, with whom I discussed the question to-day, feels that the despatch of troops would not be held justified by the information given to the public so far, although the case would be different if they knew the real facts. All we can do is to await the receipt of news which can be published officially, and which would make the necessity for sending men into camp realized by public opinion.—JELlicoe.

49606/S

No. 345.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 9.30 p.m., 5th October, 1922.)

TELEGRAM.

(Paraphrase.)

5TH OCTOBER. Secret. I greatly appreciate what your Prime Minister has done, and I quite agree that no further action is necessary immediately. Above refers to your telegram of 5th October.*—CHURCHILL.

50111/S

No. 346.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 2.30 p.m., 7th October, 1922.)

TELEGRAM.

(Commonwealth of Australia.)

(New Zealand.)

(Paraphrase.)

SECRET and Personal. Following for your Prime Minister:—

Begins: With reference to my telegram of the 7th October, Secret,† Turkish communications which have fallen into our hands show clearly that a serious factor in the Turkish calculations is the threatened action by Australia and New Zealand in the event of war. *Ends.*

—CHURCHILL.

50790/S

No. 347.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND ACTING GOVERNOR.

(Sent 9.45 p.m., 11th October, 1922.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

(Paraphrase.)

SECRET. Following from me for your Prime Minister:—

Begins: After much obstinacy the Turks have signed a good agreement of which the text has been published. The neutral zones are to be respected and all Turkish troops are to retire at once behind lines drawn in Ismid zone just east of Chile Gutze and in Chanak zone 16 kilometres from coast between Kara Bigha and Besika Bay. Greeks are allowed forty-five days

* No. 344. † Not printed: this contained a summary of the situation.

to evacuate Eastern Thrace, and Allied troops are meanwhile going to prevent panic and massacre there and to arrange for peaceful transference. French and Italian Generals lined up at the end with Harington, but as they had informed him previously that in no circumstances would their Governments resist the Turk, the value of their support was limited. Great credit is due to Harington, whose qualities were well known to [To Canada: the Canadian armies in France.] [To Commonwealth of Australia and New Zealand: all Anzac troops passing in and out of the First and Second Armies in France.] He has shown great coolness and, at the right moment, that determination without which other qualities would have been useless. Situation is now greatly relieved, and we may hope for a peaceful outcome. We have been greatly hampered by the repeated failures of support from our Allies, and also by factious and vicious Party and Press campaign in this country. We have, for the time being, however, preserved, in spite of this, all the essential interests. The Greeks have been persuaded to withdraw by the influence of Great Britain, and our handful of good troops, backed by the British Navy and Air Force, have compelled the Turks to pause. There is every reason to hope that the war will be kept out of Europe. The Straits and the Gallipoli Peninsula, meanwhile, are in our complete control, and will remain so until they are handed over to the League of Nations under conditions satisfactory to the British Empire. Had it not been known that behind the British troops on the spot stood the united strength of the Empire these results could not have been achieved with the small amount of force at our disposal.

[To Commonwealth of Australia: Your pronouncements exercised a direct effect upon the situation, as we know from secret sources.]

[To New Zealand: Your offer of contingents and the great rally which followed through the Dominion exercised a definite effect upon the situation, as we know from secret sources.]

At this moment only remaining anxiety is report from Athens to-day of another threatened revolution to prevent evacuation of Eastern Thrace. We hope that against this M. Venizelos, on our advice, will use his great influence. *Ends.*

—CHURCHILL.

50790/S

No. 348.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 11.0 p.m., 11th October, 1922.)

TELEGRAM.

[Answered by Nos. 349, 350 and 351.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Paraphrase.)

SECRET and Personal. Please give following message to your Prime Minister from me:—

Begins: If as may be hoped we are approaching the end of this crisis I trust I may venture once more to ask you to make every allowance, in case of any defect in procedure, for the sudden emergency which arose and the need of firm and instant action at a time when we were confronted single-handed with the headlong advance of the Turks and when our Allies were prepared to take everything lying down. *Ends.*

—CHURCHILL.

51213/S

No. 349.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.5 p.m., 13th October, 1922.)

TELEGRAM.

(Paraphrase.)

13TH OCTOBER. Secret and Personal. With reference to your telegram 11th October* Prime Minister asks me to send you following message:—

Begins: I fully understand and appreciate all the difficulties with which in recent unprecedented crisis you had to contend. I am prepared, so far as Union is concerned, to defend action of Imperial Government in approaching Dominions when crisis became imminent. That situation did not end in headlong flight before the Turks and further wholesale massacres and in the closing of the Straits is due to decisive action taken by the British Government, and the thanks of whole world are due to them. I trust British public, on second thoughts, will appreciate inwardness of what has happened, and cease to rely on broken reeds or faithless Allies on Continent of Europe. I send you my very best wishes in the coming struggle. *Ends.*

—ARTHUR FREDERICK.

51472/S

No. 350.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.10 a.m., 14th October, 1922.)

TELEGRAM.

(Paraphrase.)

14TH OCTOBER. With reference to your Private and Personal telegram of 11th October* and other messages of the same date, Prime Minister quite realizes the very critical nature of the situation which arose through failure of our Allies to give support, and he recognizes great difficulties which in consequence confronted His Majesty's Government. It is a great relief to learn that crisis shows hopeful signs of nearing its end.—JELlicoe.

52057/S

No. 351.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.45 p.m., 18th October, 1922.)

TELEGRAM.

[Answered by No. 354.]

(Paraphrase.)

18TH OCTOBER. Secret and Personal. Following for you from my Prime Minister:—

Begins: With reference to your telegram of 11th October* marked Secret and Personal. Please be assured that I and my colleagues have no desire other than to relieve of all possible future embarrassment matter of defect of procedure to which it refers. I shall do gladly whatever I can towards this end. It is, however, important that our position should be made perfectly clear to Parliament on its reassembling, and I hope therefore that you may find it possible to send me, in a form which may be given to Parliament, a reply to a second message† which I am sending you to-day. *Ends.*

—BYNG.

* No. 348.

† No. 353.

55538/S

No. 352.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND ACTING GOVERNOR.

(Sent 10.10 p.m., 8th November, 1922.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

(Paraphrase.)

8TH NOVEMBER. Secret and Personal. Following for your Prime Minister from Prime Minister:—

Begins: Arrangements for keeping you informed of developments in the Near East have been resumed, but I send you this personal message in order that you may know that though anxiety is necessarily caused by the situation, we are working for continued accord with French and Italian Governments, and that Allied High Commissioners in Constantinople are in complete agreement with each other. Identical instructions have now been sent to their High Commissioners at Constantinople by British, French and Italian Governments. *Ends.*

—DEVONSHIRE.

(3) Proposed Publication of Correspondence.

52058/S

No. 353.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.45 p.m., 18th October, 1922.)

TELEGRAM.

[Answered by No. 354.]

(Paraphrase.)

18TH OCTOBER. Prime Minister asks me to send you following message:—

Begins: We have duly received the several despatches respecting the Near East situation. I have not thought it necessary to send continuous acknowledgments, but I desire, now that Near East crisis is at an end, to thank you for keeping my colleagues and myself informed so fully of material developments. From day to day we have kept ourselves as closely in touch with situation as has been possible at this distance.

We have refrained pending (*sic*) the crisis from pressing for an explanation of the circumstances referred to in my first message,* namely, that in advance of any word to us respecting the Near East situation the Press of our country carried despatches referred to as semi-official, to the effect that Canada and the other self-governing Dominions had been invited to render military assistance. We feel that we are entitled to be given some explanation of this, which we may have your authority to communicate to Parliament, and we shall be grateful if it can be supplied at your earliest convenience.

The need for an immediate summoning of Parliament having apparently passed, we intend to adhere to our original purpose of having Parliament reassemble in January, 1923. We should like to be free to bring down at that time all the correspondence that has passed between our respective Governments on the Near East situation. Parliament will expect this and serious misunderstanding and misapprehension will certainly be created by any refusal on our part to comply with wish of Parliament. *Ends.*

—BYNG.

* No. 308.

52058/S

No. 354.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 11 p.m., 8th November, 1922.)

TELEGRAM.

(Paraphrase.)

8TH NOVEMBER. Secret and Personal. Following for Mr. Mackenzie King :—
Begins: With reference to your telegrams of 18th October,* to my predecessor regarding publication of telegrams dealing with situation in the Near East, you will realize that present political situation makes it difficult to send an answer immediately, but as soon as circumstances permit I will not fail to reply fully. *Ends.*

—DEVONSHIRE.

(4) Lausanne Conference [Cmd. 1814.]

53440/S

No. 355.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 11.0 p.m., 27th October, 1922.)

TELEGRAM.

[Answered by Nos. 357, 358, 359 and 360.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)

27TH OCTOBER. Following for your Prime Minister :—

Begins: Yesterday invitations were sent by Governments of Great Britain, France and Italy to the Japanese, Roumanian, Yugoslav, Greek and Turkish Governments (both of Constantinople and of Angora) to send representatives to Lausanne, 13th November, to conclude Treaty to end war in East, which would replace Treaty of Sèvres. Russian Soviet Government and Bulgarian Government also being invited to send to Lausanne, at a date to be fixed, representatives to take part in discussions on questions of the Straits, which the Conference will undertake at a later stage. Inquiry is also being addressed by the three Governments to the Government of the United States expressing hope that they will permit United States representative to be present during Lausanne negotiations in a capacity similar to that in which United States representative was present during negotiations at San Remo in 1920, or to take more active part in the negotiations specially on the question of the Straits.

According to arrangements agreed upon with French and Italian Governments, each Government will be represented at Lausanne by two plenipotentiaries. Secretary of State for Foreign Affairs will personally act as Chief British Plenipotentiary, and it is proposed that he should be accompanied by British High Commissioner at Constantinople. Dominion Governments will be kept informed from time to time of the general lines of policy on which British plenipotentiaries propose to proceed, and of the course of negotiations, and as in case of the other Treaties arising out of the Peace settlement, they will of course be invited to sign new Treaty and any separate instruments regulating status of the Straits.

His Majesty's Government trusts that this procedure will be in accordance with wishes of your Government.

British plenipotentiaries are fully acquainted with the Imperial aspect of the problem, and with the keen interest taken by the Dominion Governments in its solution. Similar telegram sent to other Prime Ministers. *Ends.*

—DEVONSHIRE.

* Nos. 351 and 353.

53440/S

No. 356.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 11.0 p.m., 27th October, 1922.)

TELEGRAM.

[Answered by Nos. 357 and 359.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)
 (Paraphrase.)

PERSONAL and Secret. Following for your Prime Minister :—

Begins: My code telegram of to-day's date.* You have been sent by Secretary of State for Foreign Affairs prints containing correspondence between Monsieur Poincaré and himself as to arrangements for Near East Conference. You should know that Monsieur Poincaré, in course of the discussions, informed Lord Curzon privately that if the Dominions and India were represented at Lausanne the French Government would demand that Morocco and Tunis should equally be represented. Lord Curzon replied to this that the status of the Dominions and India was once and for all settled in Paris in 1919 with full concurrence of Monsieur Clemenceau, that they signed the Treaty of Versailles and other treaties, including the Treaty of Sèvres, and that they became separate members of the League of Nations. He was unable to admit that similar status could be accorded to Tunis or Morocco. Monsieur Poincaré replied that at that moment he did not wish to engage in discussion on this point but he continued to press claim as regards Tunis and Morocco. Monsieur Poincaré's precise object in raising question is not clear but you will see that Lord Curzon fully maintained right of Dominions. Arrangements outlined in my code telegram of to-day for representation of British Empire by Secretary of State for Foreign Affairs follow those adopted in connexion with Treaty of Sèvres, and in any case practical considerations render it desirable to limit the number of the plenipotentiaries at Lausanne. *Ends.*

—DEVONSHIRE.

54191/S

No. 357.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1.40 p.m., 31st October, 1922.)

TELEGRAM.

(Paraphrase.)

31ST OCTOBER. Prime Minister sends you following message with reference to your telegrams of 27th October† on the subject of Lausanne Conference :—

Begins: The Government of the Union of South Africa has no intention and makes no claim to be represented at Lausanne Conference by Union delegate and assumes that this will also be the attitude of the other Dominions. It is, however, questionable whether the Dominions should in such cases be called upon to sign the eventual peace treaty. I know that this course has been adopted in case of other similar treaties arising from the Versailles Treaty where Dominions were not represented at Conference, but it does not seem fair or even necessary that in such cases the Dominions should sign the treaties, and it would be preferable for them simply to take note of the conclusion of the treaty without being called upon to sign it.

* No. 355.

† Nos. 355 and 356.

U

Awkward Parliamentary questions may be raised in the Dominions by signature under such circumstances, and it is in the interest of all to leave such questions alone.

Union Government feels much disturbed by the attitude of the present French Prime Minister in regard to Dominion representation at international conferences. Monsieur Poincaré's attitude and his reference in this connexion to Tunis and Morocco form a grave challenge to Dominion status as settled at Peace Conference and in the Peace Treaty and may lead to most serious complications on some future occasion. The correct attitude of Lord Curzon is appreciated most deeply. Occasions may arise, as at Washington, where the Dominions do claim representation, and if France resists the claim or tries to bring on the scene Tunis and Morocco, the Dominions may have to request the support of Great Britain, even to the extent of not attending herself without the Dominions. This may give rise to serious crisis, but at all costs the Dominions must defend their status even to the extent of imperilling friendship with France. Dominions will consider it an insult to be placed on the same level as Morocco and Tunis. It may have been a mistake originally to have recognized India as she was not fully self-governing, but that recognition was the deliberate act of the Peace Conference under very special circumstances and should form no precedent for the future. I have complete confidence in the future support of the Imperial Government should it become necessary, but it may be advisable to warn M. Poincaré in advance as to the grave danger to Anglo-French co-operation which might arise if France were in any way to call in question Dominion status. *Ends.*

—ARTHUR FREDERICK.

54323/S

No. 358.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.7 a.m., 1st November, 1922.)

TELEGRAM.

(Paraphrase.)

31ST OCTOBER. Secret. Following for you from my Prime Minister:—

Begins: I have the honour to acknowledge the receipt of Your Grace's telegram of 27th October* informing Government of Canada of invitations to the Lausanne Conference which the Governments of Great Britain, France, and Italy have sent to the Governments of other countries setting forth the procedure in reference thereto.

Government of Canada has no exception to take to the course pursued by His Majesty's Government regarding the conclusion of a treaty to end the war in the Near East. As it is proposed, however, to keep Canadian Government informed from time to time of the general lines of policy which British plenipotentiaries propose to follow and of the course of the negotiations, and to invite us to sign a new treaty and any separate instrument regulating the status of the Straits, we consider it advisable to take the earliest opportunity to inform His Majesty's Government that, in our opinion, the extent to which the proceedings of the Conference or the provisions of any treaty or other instrument arising out of the same may be held to bind Canada is necessarily a matter for the Parliament of Canada to decide, and that the rights and powers in these particulars of our Parliament must not be held to be affected by implication or otherwise in virtue of information which may be supplied to our Government. *Ends.*

—BYNG.

* No. 356.

54553/S

No. 359.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.1 p.m., 2nd November, 1922.)

TELEGRAM.

(Paraphrase.)

2ND NOVEMBER. Secret. Mr. Hughes asks me to send following message:—

Begins: With reference your telegrams of 27th October* re Near East Conference and representation of Australia thereat, the suggestion of the French Prime Minister that if the Dominions were represented France would demand that Tunis and Morocco be treated similarly, and Lord Curzon's rejoinder to Monsieur Poincaré are noted. I fear, however, that I cannot quite appreciate your point when you say "You will see that Lord Curzon fully maintained rights of Dominions," after which you proceed to notify me that "Practical considerations render it desirable to limit the number of plenipotentiaries and, in short, that Lord Curzon and the British High Commissioner at Constantinople would act."

It is understood, of course, that we are to sign the new treaty when made or to refrain from doing so as we deem fit. That, put very shortly, is the position, and what it all means is quite clear. We are to go on in the same bad old way. No part whatever was taken by us in making Treaty of Sèvres. We signed it when made. Technically we are concerned only in enforcing observance of its provisions by the fact that Australia was a signatory. Our position in the recent Near East crisis would actually have been same if we had not signed. Australia was prepared to go to war—not because Treaty of Sèvres had been signed by her, but because she was part of the Empire, and Britain had rightly or wrongly committed herself to a policy which might lead to war, and the interests of the Empire were involved. The Commonwealth Government did not approve of many of the provisions of the Treaty of Sèvres nor of British policy towards Greece, which seems to have been one of the factors that led to recent crisis. The Commonwealth Government was asked to sign the treaty when it was made and when it could not be modified. It did so. It was asked to say whether it was ready to support Britain in a policy upon which it had not previously been consulted, and although this probably meant being once more launched into a war made by Britain acting on her own responsibility it said that it was ready to stand by her—to be represented if necessity arose by a great army, not merely by a contingent of troops. But it protested against these declarations of policy by Britain acting alone by which whole Empire might *ipso facto* be plunged into war.

Now we are informed that we are not to have representation at a Conference which is going to effect substantial modifications in Treaty of Sèvres. We are assured that a valiant defence of our status and rights was made; that the French Prime Minister was told very plainly that the question of our status was finally settled in 1919, and could not be reopened, and also, no doubt, that it was not material in any case as practical considerations made it desirable that Empire should be represented by Foreign Secretary and the High Commissioner at Constantinople.

Plain speaking between friends and blood relations is best. What you suggest may be, probably will be, quite satisfactory to Canada and South Africa; they were not prepared to fight. Australia was, and most emphatically it is not satisfactory to her. The suggestion may be dismissed that modified Treaty will commit us to nothing unless and until we sign it. We are equally involved in whatever consequences arise out of it whether we sign it or not. This habit of asking Australia to agree to things when they are done and cannot be undone—and when there is only one course open to us in practice, and that is to support Britain—is one which will wreck the Empire if persisted in. Already seen Canada and South Africa standing aloof on the plea that they had not been consulted. I have pointed out in

* Nos. 355 and 356.

the Imperial Cabinet many times that what is wanted, and what we are entitled to, is a real share in moulding foreign and Imperial policy. In foreign affairs the Empire must speak with one voice: but whose voice is that to be? Surely not only that of a British political party! As things are, foreign policy matters by which all are affected are treated as the footballs of British political parties. This is all right in British domestic affairs, but in foreign affairs we cannot tolerate such a state of affairs. Suppose that at the coming elections Labour party gets a majority, there will be another change in foreign policy, and it may be a complete *volte face*. We may be quite sure that after the election things will not be the same as before it. True position: yesterday one foreign policy is put forward by the British Government, and we are asked to support it, and we do so. A change of Government comes about, and we are asked now to support quite another one: or is it the same? Nobody knows and nobody can tell us. We have not had a voice in either case in moulding the policy. We ought not to be forced into war without previous consultation whilst peace was yet possible or be made to appear ridiculous in the world's eyes by declaring ourselves to-day in favour of one policy, and in little more than a month's time being compelled by a change of Government in Britain to favour quite another.

I do not know we are very deeply concerned about the Treaty of Sèvres, but war in the Near East may come out of it—so much has been demonstrated—and then India, Egypt, and the Far East would be affected. Australia would have to fight to defend Suez Canal.

The Treaty of Sèvres will affect Moslem world, and so India and Egypt. If it affects India it will not leave Far East as it is.

In the face of all this you tell us that we are not to have representation at this Conference, and that Empire will be represented by two Englishmen: that we shall, of course, be kept fully informed of how things go, and that we shall have right to sign treaty or to decline to sign it. All I can say is that it is most unsatisfactory. *Ends.*

—FORSTER.

54565

No. 360.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.15 a.m., 3rd November, 1922.)

TELEGRAM.

3RD NOVEMBER. Your telegram 27th October.* Government of New Zealand agree to procedure proposed to be adopted by His Majesty's Government in connexion with Lausanne Conference.—JELlicoe.

58568/S

No. 361.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND ACTING GOVERNOR.

(Sent 11 p.m., 14th November, 1922.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)
(Paraphrase.)

14TH NOVEMBER. Secret. Please communicate following to your Prime Minister:—

* No. 355.

Begins: Active negotiations have been pursued during the last few days between His Majesty's Government and the French Government with a view to establishing some basis of agreement on which the Allies can enter Lausanne Conference. French opinion has turned distinctly in favour of unity with us, and M. Poincaré has begun to show a more conciliatory disposition.

New Italian Government has expressed itself as being strongly favourable to close Allied co-operation.

Secretary of State for Foreign Affairs is communicating following document regarding revised Treaty with Turks to French and Italian Governments to-night. It is in two parts, of which Category A represents the points of cardinal importance on which we feel that absolute assurance of Allies' support must be obtained. Secretary of State for Foreign Affairs will not feel justified in entering Conference without such assurance. Category B represents various points on which agreement is most desirable but which nevertheless admit of discussion.

Document begins:

CATEGORY A.

I. *Western Thrace.* Adherence to the understanding arrived at in the March discussions that the position in Western Thrace shall not be altered, and that the Turkish demands for a plebiscite shall be refused.

II. *Frontier of Western Thrace,* to be the frontier ceded by Turkey to Bulgaria under the Turco-Bulgarian Treaty of September, 1915.

(This agreement may be subject to possible creation of a neutral zone to provide railway access for Bulgaria to the Aegean.)

III. *Freedom of the Straits.* This principle is accepted by all the Allies (*vide* Note of 23rd September). The actual manner in which it is to be applied remains for discussion. The Allied Governments should maintain a firm accord as to the demilitarization of certain zones on the Dardanelles, Marmora, and Bosphorus, and as to the inspection of these areas under conditions to be determined.

IV. *Capitulations.* Adherence to the March resolutions with certain modifications which His Majesty's Government will be prepared to suggest to their Allies.

V. *The Islands in the Aegean.* To be ceded by Turkey to the Allies to be disposed of in the manner agreed to by the latter.

VI. *Frontiers of Syria and Iraq.* To be maintained except in so far as the Mandatory Powers may be disposed to consider or to propose local rectification.

VII. *Mandated territories in Syria, Iraq, and Palestine.* No change to be admitted.

VIII. *Allied Graves.* The Allies to insist upon a transfer of the ownership of the soil to them.

IX. *Indemnities.* A Turkish indemnity to be demanded as proposed in the March resolutions. The exact figure to be determined by agreement between the Allies.

The Turkish demand for an indemnity from Greece to be refused.

X. *The Mudania Convention.* To be strictly enforced, and all Turkish violations of it to be firmly resisted.

XI. *Constantinople position.* No withdrawal of Allied troops until ratification of the new Treaty of Turkey (September note).

CATEGORY B.

I. *Protection of Minorities.* As regards Minorities in Asia adherence so far as is still possible to resolutions of March, and as regards Minorities in Europe strict adherence to terms of September agreement.

II. *Turkish Military Forces.* General adherence to terms of March resolutions. If a relaxation of these is conceded, this should not apply to the Turkish Army in Europe which should be strictly limited in numbers.

III. *Financial Clauses.* These should remain for discussion between the Allied experts.

IV. *Economic Clauses.* Insistence upon recognition by Turkish Government of Allied pre-war concessions, and annulment of Turkish repudiation of contracts since the Armistice. The methods to be discussed by the Allied experts. *Document ends.*

Note of 23rd September has been published, see my telegram of 25th September, Secret.* For March discussions at Paris and resolutions see despatch of 10th April, Dominions No. 115† and Foreign Office prints sent you at the time. *Ends.*

—DEVONSHIRE.

54323/S

No. 362.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.35 p.m., 16th November, 1922.)

TELEGRAM.

[Answered by No. 368.]

(Paraphrase.)

16TH NOVEMBER. Secret. Following from Prime Minister for your Prime Minister:—

Begins: Your message of 31st October‡ as to Lausanne Conference was brought before Cabinet to-day. We fully understand that it is desire of Canadian Government that any treaty with Turkey which may result from Conference should be submitted, before His Majesty is advised to ratify it to Canadian Parliament for approval. That you should be kept fully informed of the developments of the Conference is our most earnest desire, and we shall endeavour to insure that full details are sent. *Ends.*

—DEVONSHIRE.

54553/S

No. 363.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5 p.m., 16th November, 1922.)

TELEGRAM.

(Paraphrase.)

16TH NOVEMBER. Secret. Following from Prime Minister for your Prime Minister:—

Begins: Your message of 2nd November§ was brought before Cabinet to-day. We recognize the force of your criticism and also to the fullest extent feel the great danger to what we regard as the greatest of all considerations, namely, the unity of the British Empire, which would be involved in the adoption of a foreign policy which would, as you point out, affect the whole Empire, but which either through the absence of representatives of the Dominions or from any other cause, would not command the full support and approval of the Empire as a whole.

In this case the crisis arose suddenly, and an immediate conference seemed the only hope of avoiding conflict. If it were possible we would welcome most warmly your assistance and that of the representatives of the other Dominions at Lausanne. As this is impossible we can think of no

* 47793/S.: not printed; it referred to the publication of the Note. † 14892: not printed; it enclosed a copy of a Press statement showing the results of the discussions between the Allied Foreign Ministers of March, 1922, on the Near East situation. ‡ No. 368. § No. 359.

better method of dealing with the situation than that of keeping you fully informed of the difficulties as they arise at the Conference. The Foreign Secretary is to have a preliminary meeting with M. Poincaré on Saturday, and we propose to send you a full account after that meeting of the situation and prospects. As the Conference continues other information will be forwarded to you regularly. You will thus be kept as fully informed as possible of the whole position. I most earnestly hope that this course of action will meet with your approval. *Ends.*

—DEVONSHIRE.

54191/S

No. 364.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.5 p.m., 16th November, 1922.)

TELEGRAM.

(Paraphrase.)

16TH NOVEMBER. Secret. Following from Prime Minister for your Prime Minister:—

Begins: Your message of 31st October* as to Lausanne Conference was brought before Cabinet to-day.

Our impression is that Poincaré's reference to Tunis and Morocco arose out of his desire a few weeks ago to be able to cite in support of a pro-Turkish policy views of Mohammedan communities under French protection. Evidently subsequent events have to some extent modified this desire, and our present view is that it would be best not to raise at present general question referred to at end of your message.

As to first part of your message, any Treaty resulting from Lausanne Conference will, of course, replace Treaty of Sèvres, and until it comes into force, a state of war between the British Empire and Turkey will technically continue. The Treaty must therefore be binding on the whole Empire when ratified. It remains to be seen whether there will be successful issue to Lausanne Conference, but if there is we should much prefer that any new Treaty should follow Paris precedent and include signatures on behalf of all the Dominions. If other Dominions sign, arguments against non-signature on behalf of Union of South Africa given in Mr. Lloyd George's message of 1st December, 1921,† in relation to Washington Conference apply with at least equal force. That you should be kept fully informed of the developments of the Conference is our most earnest desire, and we shall endeavour to insure that full details are sent. *Ends.*

—DEVONSHIRE.

54565

No. 365.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.5 p.m., 16th November, 1922.)

TELEGRAM.

(Paraphrase.)

16TH NOVEMBER. Secret. Following from Prime Minister for your Prime Minister:—

Begins: Your message of 3rd November‡ as to Lausanne Conference was brought before Cabinet to-day. They greatly appreciated readiness of New Zealand Government to adopt proposed procedure. That you should be kept fully informed of the developments of the Conference is our most earnest desire, and we shall endeavour to insure that full details are sent. *Ends.*

—DEVONSHIRE.

* No. 357.

† No. 313 in Dominions No. 81.

‡ No. 360.

57171/S

No. 366.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.45 p.m., 18th November, 1922.)

TELEGRAM.

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)
 (Paraphrase.)

18TH NOVEMBER. Secret. Following for your Prime Minister:—

Begins: The situation with regard to Egypt in connexion with Conference at Lausanne is as follows:—

It has been realized ever since declaration to Egypt of the 28th February, 1922—see my despatch of 16th March*—that modification of Articles 101-114 of the Treaty of Sèvres would be required. Reference to Egypt in any new Treaty of Peace with Turkey is necessary both to regulate the position between the two countries arising out of the War, and to ensure that Egypt should assume obligation of meeting service of the Ottoman loans secured upon the tribute formerly payable by Egypt to Turkey. It is now proposed as result of several weeks' negotiations that Egypt should, on the signature of the new Treaty, accede to those portions of it which affect her interests by means of a protocol signed by accredited representatives to Conference, and as the revised articles will contain a specific recognition by Turkey of the declaration of 28th February result of the Egyptian accession will be to give that declaration the force of a bi-lateral Anglo-Egyptian Agreement. British interests in the Suez Canal, Sudan, and Egypt will in these circumstances be fully safeguarded, and Egypt will definitely assume at the same time the service of the Ottoman Loans of 1855, 1891, and 1894, though payments on this account will no longer bear the character of tribute payable by a vassal State. *Ends.*

—DEVONSHIRE.

57466/S

No. 367.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND ACTING GOVERNOR.

(Sent 5.10 p.m., 20th November, 1922.)

TELEGRAM.

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)
 (Newfoundland.)
 (Paraphrase.)

20TH NOVEMBER. Secret. Following for your Prime Minister:—

Begins: Have now received further details from Lord Curzon regarding his discussions with M. Poincaré and French President 18th November. President was disturbed over two questions, apparent doubt on British side of France's determination to stand with us at Constantinople in all circumstances, and the suspicion in certain French circles of our desire to obtain an exceptional position there. Lord Curzon welcomed President's renewed assurances on the first point; on the second he repudiated any such British intention and added that the British Government had in fact been taken absolutely by surprise by flight of the Sultan.

* No. 57.

156

In the discussion with M. Poincaré, in which the new Italian Ambassador participated, Lord Curzon elicited that there would be no French reinforcements, that French troops would resist military attack and would refuse to go if Turks demanded evacuation, and finally that, if withdrawal became necessary, French troops would retire to Gallipoli with the British and hold the Peninsula.

M. Poincaré refused to commit himself on the general question as to what was to be done if the Allies were menaced at Lausanne by Turkish military action.

Following is summary of result of discussions on various points in Memorandum telegraphed to you 14th November.*

CATEGORY A.

(1) and (2). Agreed that Turkish demand for West Thracian plebiscite should be refused. Neutral zone west of Maritza giving Bulgaria access to sea agreed to in principle, but Poincaré in favour of ceding Karagatch to the Turks.

(3) Poincaré produced formula providing freedom of the Straits for commerce, Turkey if belligerent to retain right of search. For ships of war of all flags, free passage in time of peace; in time of war, if Turkey neutral, similar freedom subject to Hague Convention restrictions as to belligerent action; if Turkey is belligerent, freedom for neutral ships only. Lord Curzon agreed that the French should put forward this formula at the Conference. French were prepared to demand demilitarization of Gallipoli, Chanak and existing neutral zones on both sides of the Bosphorus, and suggested that all four zones should be put under the League of Nations. Lord Curzon pointed out the difficulties such as possibility of the League's unwillingness, objections from Turkey and Russia, and the lack of guarantee. This criticism was frankly admitted, but it was contended by Marshal Foch that League's protection might give a breathing space enabling the Straits to be forced in case of war before the Turks had time to block or defend them. Under the League of Nations, the inspecting body would be the International Straits Commission set up under the Sèvres Treaty. Lord Curzon agreed to leave it to the French to make this suggestion.

(4) Each State with capitulatory treaties with Turkey to be invited to send a representative to be heard at the Conference. Name "capitulations" is to be dropped and draft articles to be drawn up by Allied experts.

(5) France inclined to restore Tenedos and Imbros after demilitarization, to Turkey, a suggestion Lord Curzon proposed to resist.

(6), (7) and (8). Lord Curzon's proposals accepted.

(9) Lord Curzon considered that no substantial indemnities could be obtained from anyone, and that most demands would probably cancel out one another.

CATEGORY B.

(1) March resolutions as far as possible.

(2) The danger of conceding conscription to Turkey was pointed out by Lord Curzon, but he suggested that, in accordance with March formula, date of introducing a voluntary system might be indefinitely postponed. Marshal Foch proposed limitation of Turkish forces in Europe to 15,000. Lord Curzon insisted that if Turkish gendarmerie was to be officered by foreigners, three Great Powers should be equally represented, and that the monopoly of instructors should not be granted to the French. There was a good deal of vagueness on this whole question, and Lord Curzon is doubtful whether the French will stand firm on any point except that of Turkish Army in Thrace. *Ends.*

—DEVONSHIRE.

* No. 361.

58410/S

No. 368.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.10 p.m., 25th November, 1922.)

TELEGRAM.

[Answered by No. 369.]

(Paraphrase.)

25TH NOVEMBER. Secret. My Prime Minister sends you following message:—

Begins: 24th November Cabinet carefully considered to-day Your Grace's message of 16th November* in reply to mine of 31st October† on the subject of the Lausanne Conference. We feel that purport of my message of 31st October has not been correctly interpreted or understood. Government of Canada has not expressed a desire that any treaty with Turkey which may result from Conference should be submitted for approval to Canadian Parliament before His Majesty is advised to ratify it, nor do we wish to be understood as preferring any such request. Intention of my message was to make clear that no exception was taken by us to Canada not being invited to be represented at the Conference, but, inasmuch as we had been informed that we would be invited to sign a new treaty and any separate instrument regulating status of Straits, we wished to make it perfectly clear that extent to which Canada may be held to be bound by the proceedings of Conference or by provisions of any treaty or other instrument arising out of the same was, in our opinion, necessarily a matter for the decision of the Canadian Parliament. That there should be no misunderstanding as to our position with respect to Canada's obligations in this and kindred matters is, we consider, of the utmost importance. Parliament will, in our opinion, desire as respects treaty with Turkey and any other instruments arising out of the Conference to reserve to itself the right to decide, upon the merits of the case, what action is right and proper on the part of people of Canada. We shall in this connexion be pleased to have authority to place all the information with which from time to time we may be supplied before Parliament. *Ends.*

—BYNG.

58410/S

No. 369.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.50 p.m., 8th December, 1922.)

TELEGRAM.

(Paraphrase.)

8TH DECEMBER. Secret. Your telegram 25th November‡ Please communicate following message to your Prime Minister:—

Begins: Treaty with Turkey. Assumption on which our message of 16th November* was framed was that Canadian Government would wish to follow procedure adopted in case of peace treaties with Germany, Austria and Bulgaria. I am sorry if your telegram of 31st October† was not fully understood here. It is, as you say, most important that there should be no misunderstanding on so important a question. May I therefore set out position as it appears to us. It is this. Any Treaty which may result from Lausanne Conference will, of course, replace Treaty of Sèvres, and until it comes into force a state of war between the British Empire and Turkey will technically continue. The Treaty when ratified must therefore be binding on the whole Empire. Whether there will be successful issue to Lausanne

* No. 362.

† No. 358.

‡ No. 368.

Conference remains to be seen, but if there is we should much prefer that any new Treaty should follow Paris precedent and include signatures on behalf of all the Dominions. Do I gather from your telegram that the Canadian Government are not averse from procedure proposed as regards signature of new Treaty and of any separate instrument regarding Straits, but wish to make it clear that should anything in Treaty or instrument be held to impose any serious international obligation on Canada as part of the British Empire, it cannot be considered binding on Canada until approved by Parliament? If so, it does not appear to us that procedure which you propose is essentially different from that which we should adopt in relation to Parliament here if contingency contemplated should arise. In any event should legislation be required to give effect to technical provisions of Treaty, this would presumably necessitate its submission to Parliament in Canada as here.

As regards last sentence of your telegram, would it not be well to wait until it is known whether the Lausanne Conference results in signature of a Treaty or Treaties, and then lay instruments themselves before Parliament? I do not think that it would be possible for any of the telegrams now being sent to you regarding Lausanne proceedings to be published, in view of fact that records of confidential interviews and impressions and other material intended only for private information are often contained. *Ends.*

—DEVONSHIRE.

62568/S

No. 370.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 5.45 p.m., 18th December, 1922.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)
(Extract.)
(Paraphrase.)
(Secret.)

It is now proposed by Lord Curzon that the conclusions reached so far, although it cannot be said that Turks have actually accepted any of them, shall be embodied in a draft preliminary treaty. Turks will be then invited either to accept, subject to any necessary alterations, or to reject as a whole. If all parties sign, the final treaty will be drafted and signed at a future meeting. It is probable that the Straits Convention will be completed for presentation at the same time as the preliminary draft treaty.

—DEVONSHIRE.

UNITED STATES.

(1) Real and Personal Property Convention: Accession of Canada.

(Treaty Series, 1922, No. 10.)

399

No. 371.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd January, 1922.)

[Answered by No. 372.]

(No. 738.)

SIR,

Government House, Ottawa, 21st December, 1921.

I HAVE the honour to enclose, herewith, a copy of a despatch which I have addressed to His Majesty's Ambassador at Washington, regarding the ratification of the Convention providing for the accession of the Dominion of Canada to the Convention between Great Britain and the United States concerning the tenure and disposition of real and personal property, signed at Washington on the 2nd March, 1899.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 371.

(No. 169.)

SIR,

Government House, Ottawa, 20th December, 1921.

WITH reference to Your Excellency's despatch No. 320 of the 21st November,* inquiring whether the Canadian Government proposed that the ratification of the Convention providing for the accession of the Dominion of Canada to the Convention between Great Britain and the United States concerning the tenure and disposition of real and personal property, signed at Washington on the 2nd March, 1899, should be proceeded with, I have the honour to enclose, herewith, copies of an Approved Minute of the Privy Council for Canada recommending that such ratification be proceeded with accordingly.

I have, &c.,

BYNG OF VIMY.

His Excellency

The Right Honourable

Sir C. Auckland Geddes, K.C.B.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 17TH DECEMBER, 1921.

(P.C. 4585.)

The Committee of the Privy Council have had before them a report, dated 9th December, 1921, from the Right Honourable the Secretary of State for External Affairs, to whom was referred a despatch, dated 21st November, 1921, from His Majesty's Ambassador at Washington, inquiring whether the Canadian Government proposed that the ratification of the supplementary Convention signed at Washington on the 21st October, 1921, providing for Canada's accession to the Convention between Great Britain and the United States concerning the tenure and disposition of real and personal property signed at Washington on the 2nd March, 1899, should now be proceeded with.

The Minister recommends that such ratification be proceeded with accordingly.

The Committee, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Excellency may be pleased to inform Sir Auckland Geddes to that effect, and to notify at the same time the Right Honourable the Secretary of State for the Colonies.

All of which is respectfully submitted for Your Excellency's approval.

G. G. KEZAR,

Assistant Clerk of the Privy Council.

* This followed on the correspondence printed in Dominions No. 81 (Nos. 269-271).

8843

No. 372.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 373.]

(No. 102.)

MY LORD,

Downing Street, 1st March, 1922.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 738 of the 21st December, 1921,* regarding the Convention providing for the accession of Canada to the Real and Personal Property Convention with the United States and to inquire whether the signed original text of the Convention asked for in my despatch No. 680 of the 30th November, 1921,† could now be forwarded with a view to the preparation of the instrument of ratification.

I have, &c.,

WINSTON S. CHURCHILL.

16925

No. 373.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th April, 1922.)

[Answered by No. 374.]

(No. 173.)

SIR,

Government House, Ottawa, 27th March, 1922.

WITH reference to your despatch No. 102 of the 1st March,‡ I have the honour to transmit, herewith, with a view to the preparation of the instrument of ratification, the original text of the Convention between Great Britain and the United States, dated the 21st October, 1921, making the provisions of the Convention of the 2nd March, 1899, applicable to Canada.

I have, &c.,

BYNG OF VIMY.

23611

No. 374.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 259.)

MY LORD,

Downing Street, 23rd May, 1922.

WITH reference to Your Excellency's despatch No. 173 of the 27th of March,§ I have the honour to request you to inform your Ministers that the King's ratification of the Convention providing for the accession of Canada to the Real and Personal Property Convention of 1899, has been forwarded to His Majesty's Ambassador at Washington for the necessary exchange of ratifications in accordance with Article II of the Convention.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 371.

† No. 266 in Dominions No. 81.

‡ No. 372.

§ No. 373.

32927

No. 375.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 352.)

MY LORD,

Downing Street, 15th July, 1922.

WITH reference to my despatch No. 259 of the 23rd of May,* I have the honour to request Your Excellency to inform your Ministers that His Majesty's Ambassador at Washington has reported that the exchange of ratifications of the Convention providing for the accession of Canada to the Real and Personal Property Convention of 1899 was duly effected on the 17th of June.

2. The Convention will now be published in the Treaty Series of Parliamentary papers, and will be communicated to the Secretariat of the League of Nations at an early opportunity for registration.

I have, &c.,

WINSTON S. CHURCHILL.

(2) Rush-Bagot Agreement, 1817. Proposed Revision.

39428/S

No. 376.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1.30 a.m., 9th August, 1922.)

TELEGRAM.

[Answered by No. 377.]

(Paraphrase.)

8TH AUGUST. Secret. Following from my Prime Minister for Prime Minister.

Begins: Naval Service Department has felt forced during recent years to consider seriously the irregular situation which has been created in the Great Lakes region by what has seemed on the part of Government of United States of America an indifferent attitude towards Rush-Bagot Agreement, 1817, which calls for a rigorous limitation of Naval Armament in that region. The Canadian Government, with strict regard for the letter and spirit of the Agreement, have not a single armed vessel on the Great Lakes at present. The United States, however, have at various times, and even in some instances without notifying us, stationed there vessels, which, though small and lightly armed at first, have been increased gradually in size and efficiency until they are now in fact assuming the character of a squadron with a definite fighting value, numbering from fifteen to twenty and exceeding the limits of agreement either in tonnage or armament. They are used as training ships for the Naval Militia of the States bordering on the Great Lakes, and as such they form a part of the Federal Naval Establishment. We have had no doubt whatever that this is their sole purpose. We have never entertained a thought that they could indicate any unfriendly intention toward Canada. If it became realized, however, their presence might arouse unfortunate recriminations and misunderstandings in the minds of the Canadian people who have valued so highly the 1817 arrangement, and it would be deplorable if the situation were allowed to precipitate demands for counter arming on our part.

We have carefully considered these factors laid before us by our Naval Advisers, and we reached the conclusion that the matter should not be allowed to rest. As a result I recently paid a brief visit to Washington

* No. 374.

accompanied by my colleague, the Minister of National Defence, in order that we might frankly put before the American Government the whole situation. Our reception at the hands of the President and the Secretary of State was satisfactory in every way. It was agreed that some arrangement should be reached to (?group omitted) the matter. It was felt that this could be done best by way of a treaty which, while preserving the full spirit and effect of the Rush-Bagot Agreement, would at the same time adapt its principles to present day conditions. It was arranged finally that after our return to Ottawa we should submit a draft for the purpose. We have accordingly had prepared by our technical officers, and are now considering, the draft Treaty, the terms of which are set out below. We think, however, that before proceeding further with the matter, full information of the project should be conveyed to you for any comment and suggestion that may occur to His Majesty's Government. In its direct operation it primarily concerns Canada, and we are confident, moreover, that it will be welcomed by other members of the Empire; we realize, however, that it is of concern to them as affecting in some degree the political relations of the Empire toward a great foreign power, and it happens also that original Agreement was on our side made solely by the Government of Great Britain. We should accordingly be glad to have your views, and we should particularly value any suggestions of a *technical* or *practical* nature concerning the conditions and safeguards that should be incorporated in the Treaty.

It seems essential that any new arrangement should take account of the undoubted fact that conditions which to-day obtain on the Great Lakes differ materially from those of 1817. Our Naval Service Department point out that the main changes are the following.—First. The present practicability of egress and ingress to and from the ocean of vessels of considerable size partly through national and partly through international waters, and the possibility that this water communication between the lakes and the ocean may in the future extend to vessels of increasing size.

Second. The natural desire of shipbuilding interests of both countries on the great lakes to (?group omitted) in the construction of naval vessels of a size that may pass out to the ocean.

Third. The great increase and variety of naval squadrons and establishments under modern conditions calling for increased personnel both in active service and in the reserve, and the consequent tendency to seek recruits in such promising areas as the Provinces or States bordering on the Great Lakes. It is believed that these changes can be met under adequate safeguards without any departure from the fundamental purpose and effect of the 1817 Agreement, and it is on this basis that the draft set out below has been prepared. It will be seen also that certain of the proposed articles are based on articles of the Naval Limitation Treaty concluded at Washington.

As regards the method of signature of the proposed Treaty, we consider that having regard to the character and implications (?) of the document, it would be appropriate that the full powers should be issued to Canadian subjects of His Majesty. We propose, therefore, when the time comes, to pass an Order-in-Council authorizing the issue of full powers to myself as Prime Minister and Secretary of State for External Affairs, and to my colleague the Minister of National Defence to sign on behalf of His Majesty.

The preamble and articles of the proposed draft follow: Preamble His Majesty the King, &c., and the United States of America.

Desiring through the abolition of their naval armament on the Great Lakes to contribute to the maintenance of peace and understanding that has happily so long subsisted between them, and having to that end agreed to adapt to present day conditions the principles of the Agreement between Great Britain and the United States of America concluded at Washington on the 28th and 29th April, 1817, and to supplement by provisions relating to the Great Lakes the treaty between the United States of America, the British Empire, France, Italy, and Japan for the Limitation of Naval Armament signed at Washington on the 6th February, 1922, have resolved, etc.

Article No. 1.—The present treaty shall apply to the waters of the Great Lakes, the waters connecting the Great Lakes, the international boundary waters of the St. Lawrence, and the waters of Lake Champlain.

Article No. 2.—No armed vessel shall be maintained on the waters designated in Article No. 1 by either High Contracting Party, except in accordance with Article No. 3.

Article No. 3.—Such vessels may be maintained on the waters designated in Article No. 1 by either High Contracting Party as may be necessary for revenue and police duties.

The numbers, specifications, and armament of such vessels shall be agreed upon from time to time between the Canadian and American Governments.

Such vessels shall not be used on the waters designated in Article No. 1 for naval or militia training or for naval manoeuvres.

Article No. 4.—No vessel built on the waters designated in Article No. 1 for naval purposes shall have any offensive or defensive armament placed on board while it is in these waters.

Any such vessel shall be removed from these waters within six months of the date when it is ready for launching.

Each High Contracting Party shall promptly inform the other of any such vessel to be built on these waters within its jurisdiction communicating the date of the signing of the contract, the date when it is ready for launching, and its main dimensions.

The provision of this Article shall not be taken to prevent the use on these waters for Naval Reserve training purposes of unarmed vessels built thereon.

Article No. 5.—Should either of the High Contracting Parties become (engaged) in a war which in its opinion affects the naval defence of [or] its national security it may, after notice to the other High Contracting Party, suspend for the period of hostilities its obligations under Article No. 4, provided that it shall notify the other High Contracting Party that the emergency is of such a character as to require such suspension. On the cessation of hostilities this suspension shall terminate and Article No. 4 shall resume its full force and effect.

Article No. 6.—The present treaty shall be ratified in accordance with the constitutional methods of the High Contracting Parties, and shall take effect on the exchange of ratifications which shall take place at Washington as soon as possible.

It shall remain in force until two years after one of the High Contracting Parties has given notice to the other of an intention to terminate it.

Within one year of the date on which such a notice of termination has been received the High Contracting Parties shall meet in conference.

The present treaty shall supersede the Agreement between Great Britain and the United States of America which was concluded at Washington on the 28th and 29th April, 1817.

We are anxious in accordance with our conversation in Washington to submit a draft to the American Government as soon as possible, and I should therefore be specially grateful for a reply at your earliest convenience. *Ends.*

—BYNG.

47883

No. 377.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 11.0 p.m., 19th October, 1922.)

TELEGRAM.

(Paraphrase.)

19TH OCTOBER. Secret. Mr. Lloyd George sends following message for your Prime Minister:—

Begins: The pressure of the last few weeks has, I am very sorry to say, prevented me from answering earlier your telegram of the 8th of August.* Your action in consulting us at this stage of the negotiations is much appreciated. The matter, as you point out, may well affect the political relations of the Empire generally with the United States. We sympathise entirely with your proposals for the revision of the Rush-Bagot Agreement. As to the proposed draft Treaty the only technical observations which we have to offer are as follows:—

(a) The last paragraph of Article 4 would allow the United States to have an unlimited number of unarmed ships built on the Lakes to be used for training.

(b) Under the Treaty, Canada would have no grounds for refusing request of the United States to pass into the Lakes any number of warships with guns removed.

(c) Such vessels could in either case be armed at short notice and used against Canada.

It further occurs to us that it would appear desirable that the vessels used for training United States reservists should be so limited in size and type that they would not outclass any of the Canadian ships on Great Lakes which it might be possible to arm on outbreak of hostilities. It is undesirable, for instance, that old cruisers should be used by the United States for training reservists, as vessels of this class would dominate the situation in the event of hostilities, unless Canada in peace time maintained vessels of similar type on the Lakes.

We think, at the same time, that you ought to know there is considerable doubt felt here whether the United States is likely to consent to any agreement which will decrease the existing armed strength on the Great Lakes, for the following reasons:—

(a) Great difficulty is experienced by the United States in manning their fleet, and they are likely to want to make use of the keenness displayed among naval reservists and sea scouts in the States bordering the Lakes. Armed ships appear to be essential to encourage recruiting and training, but it is suggested by the draft Treaty that all training should be done in unarmed ships.

(b) The financial position of the United States for building and maintaining ships is a strong one, and that Government may not feel any great interest in agreeing to restrictions as to ships on the Lakes.

(c) In the future the United States may have direct communication to the Lakes independent of Canadian waters.

Of course, these considerations afford no reason for refraining from putting proposals in your draft Treaty before the Government of the United States, but I mention them because if in the course of the negotiations you find that the United States Government is not able to accept the proposal that no ships on the Lakes should be armed except those which may be required for revenue and police duties, you may find it necessary to consider the substitution of a provision permitting the use of armed ships for training but limiting their number, size, etc. In that case if you desire we should be glad to offer suggestions as to appropriate wording. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

59813/S

No. 378.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th December, 1922.)

(Secret.)

MY LORD DUKE,

Government House, Ottawa, 23rd November, 1922.

I HAVE the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada on the subject of a proposed new Treaty between Great Britain and the United States regarding naval vessels on the Great Lakes.

Copies of this Minute are being forwarded to His Majesty's Ambassador at Washington.

I have, &c.,
BYNG OF VIMY.

Enclosure in No. 378.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 7TH NOVEMBER, 1922.

P.C. 2333.

THE Committee of the Privy Council have had before them a Report, dated 3rd November, 1922, from the Right Honourable the Secretary of State for External Affairs, representing that Your Excellency's Ministers having for some time past had under consideration various deviations on the part of the United States Government from the Rush-Bagot Agreement of the 28th April, 1817, limiting the naval forces to be maintained by the two powers on the Great Lakes, decided to make direct representations to the Secretary of State of the United States, and with that purpose in view, the Prime Minister and the Minister of National Defence, shortly after prorogation of the last session of Parliament, visited Washington and had an interview with Mr. Hughes on the 12th July, 1922, at which meeting it was suggested that the principles contained in the Rush-Bagot Agreement should be embodied in a new treaty, due regard being had to the changed conditions of the times. Mr. Hughes concurred in this, and asked the Canadian Ministers to supply him with a memorandum showing the extent and disposition of the armament at present employed on the Great Lakes. He also requested that he might be furnished with a draft treaty of what the Canadian Minister proposed. A draft was accordingly prepared, in consultation with His Majesty's Government, and is submitted herewith, together with a memorandum as to the strength of the naval vessels on the Lakes, asked for by Mr. Hughes.

The Committee, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward this draft treaty, together with the memorandum for the Secretary of State of the United States, to His Majesty's Ambassador at Washington for the consideration of the United States Government, and for an expression of their views thereon.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

PREAMBLE.

His Majesty the King, etcetera, and the United States of America,

Desiring through the abolition of their naval armament on the Great Lakes, to contribute to the maintenance of the peace and good understanding that has happily so long subsisted between them, and

Having to that end agreed to adapt to present day conditions the principles of the Agreement between Great Britain and the United States of America concluded at Washington on the 28th and 29th April, 1817, and to supplement by provisions relating to the Great Lakes the Treaty between the United States of America, the

British Empire, France, Italy, and Japan for the Limitation of Naval Armament, signed at Washington on the 6th of February, 1922.

Have resolved, etcetera,

Article One.—The present Treaty shall apply to the waters of the Great Lakes, the waters connecting the Great Lakes, the international boundary waters of the St. Lawrence River, and the waters of Lake Champlain.

Article Two.—No armed vessel shall be maintained on the waters designated in Article 1 by either High Contracting Party except in accordance with Article 3; nor shall there be passed, for any purpose whatsoever, from the sea into the waters designated, by either High Contracting Party, any vessel, either armed or unarmed, which has been designed, built or used for naval purposes, without a mutual agreement beforehand.

Article Three.—Such vessels may be maintained on the waters designated in Article 1 by either High Contracting Party as may be necessary for revenue and police duties.

The numbers, specifications, and armament of such vessels shall be agreed upon from time to time between the Canadian and American Governments.

Such vessels shall not be used on the waters designated in Article 1 for naval or militia training or for naval manoeuvres.

Article Four.—No vessel built on the waters designated in Article 1 for naval purposes shall have any offensive or defensive armament placed on board while it is in these waters.

Any such vessel shall be removed from these waters within six months of the date when it is ready for launching.

Each High Contracting Party shall promptly inform the other of any such vessel to be built on these waters within its jurisdiction, communicating the date of the signing of the contract, the date when it is ready for launching and its main dimensions.

Article Five.—Should either of the High Contracting Parties become engaged in war, which in its opinion affects the naval defence of its national security, it may, after notice to the other High Contracting Party, suspend for the period of hostilities its obligations under Article 4, provided that it shall notify the other High Contracting Party that the emergency is of such a character as to require such suspension. On the cessation of hostilities this suspension shall terminate, and Article 4 shall resume its full force and effect.

Article Six.—The present Treaty shall be ratified in accordance with the constitutional methods of the High Contracting Parties, and shall take effect on the exchange of the ratifications, which shall take place at Washington as soon as possible.

It shall remain in force until two years after one of the High Contracting Parties has given notice to the other of an intention to terminate it.

Within one year of the date on which such notice of termination has been received the High Contracting Parties shall meet in conference.

The present Treaty shall supersede the Agreement between Great Britain and the United States of America which was concluded at Washington on the 28th and 29th April, 1817.

LIST OF UNITED STATES SERVICE, NAVAL AND REVENUE VESSELS ON THE GREAT LAKES.
REVISED 5/10/22, BY NAVY DIRECTORY FOR 1ST SEPTEMBER, 1922.

	Naval Reserve Training.	Revenue Service.	Patrol Cutters.	Tonnage.	Armament.	Remarks.
9th N.D., Lake Superior ...	Essex	—	—	1,375	3—4 inch 6—3 pdr.	At Duluth. Old Gunboat. To be replaced by Paducah.
"	Paducah	—	—	1,085	Not armed	At Duluth. To replace Essex as floating barracks. (Michigan Reserves.)
"	S.C. 412	—	—	75	1—3 inch 1 M.G.	At Duluth. (Wisconsin Reserves.)
		Cook	Chippewa	75	—	At Duluth. Ex sub-chaser 438.
				215	—	At Sault Ste. Marie. Ex N. tug No. 85.
9th N.D., Lake Michigan	Commodore Hawk	—	—	375	1—3 pdr.	Wooden Depot ship. Commandant 9th Naval District.
"	Wilmette	—	—	2,600	2—1 pdr. 4—4 inch 2—3 inch A. A.	At Milwaukee. Yacht.
"	S.C. 419	—	—	75	2—1 pdr.	Chicago. Converted merchant vessel. (Illinois Reserves.)
"	S.C. 492	—	—	75	—	At Chicago. (Illinois Reserves.)
"	8rd N.D.S.C. 487	—	—	739	2—6 pdr.	At Milwaukee. (Ohio Reserves.)
"	" " 483	—	—	75	1—3 inch	At Milwaukee.
"	" " 481	—	—	75	2 M.G.	At Chicago.
9th N.D., Lake Erie ...	Dubuque	—	—	1,085	—	To replace Yantic. No armament at present. (Minnesota Reserves.)
"	Gopher	—	—	840	8—3 pdr. 4—1 pdr.	At Cleveland. Old Gunboat. (Ohio Reserves.)
3rd N.D.	Sturgeon Bay	—	—	1,392	8—4 inch	At Buffalo. Floating Barracks for N.Y. Naval Militia.
9th N.D.	Wilmington	—	—	685	4—3 pdr.	Not yet passed into Lakes.
4th N.D.	Wolverine	—	—	900	—	*Will be stationed at Toledo, Ohio
9th N.D.	Yantic	—	—	420	4—3 pdr. 2—6 pdr.	At Erie, Pa. Old Gunboat. 4th District.
		Morrill	—	75	1—3 inch	At Detroit. Old Gunboat. To be replaced by Dubuque.
			—	75	2 M.G.	Detroit.
			—	75	1—3 inch 2 M.G. 2 M.G. 1—3 inch 2 M.G.	For training of reservists 9th Naval District (Great Lakes.)

* Note added by S.I.O., 26/7/22.—Auth. A. & N. Register, 22/7/22.

(3) Supplementary Extradition Convention.
(Treaty Series, 1922, No. 18.)

365

No. 379.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd January, 1922.)

[Answered by No. 380.]

(No. 741.)

SIR,

Government House, Ottawa, 21st December, 1921.

WITH reference to your despatch No. 667 of the 25th November* suggesting the signature afresh of the Supplementary Extradition Convention with the United States, signed on the 15th January, 1917, I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada expressing the concurrence of the Canadian Government in the course suggested in your despatch.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 379.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 17TH DECEMBER, 1921.

(P.C. 4583.)

THE Committee of the Privy Council have had before them a report, dated 8th December, 1921, from the Right Honourable the Secretary of State for External Affairs, stating that he has had under consideration a despatch, dated 25th November, 1921, from the Right Honourable the Secretary of State for the Colonies, relative to the Supplementary Extradition Convention with the United States, signed on the 15th January, 1917, intimating that the amendments introduced into this Convention by the United States Senate will necessitate the signature afresh of the Convention in its amended form, and stating that, if the Canadian Government concur, the United States Ambassador at London will be invited to proceed to such signature with the Secretary of State for Foreign Affairs.

As Canada has already agreed to the ratification of this Convention in its amended form, the Committee, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Excellency may be pleased to inform the Right Honourable the Secretary of State for the Colonies that the Canadian Government concur in the course suggested.

All of which is respectfully submitted for Your Excellency's approval.

G. G. KEZAR,

Assistant Clerk of the Privy Council.

16668

No. 380.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 211.)

MY LORD,

Downing Street, 22nd April, 1922.

WITH reference to Your Excellency's despatch No. 741 of the 21st of December,† I have the honour to transmit to you, to be laid before your Ministers, copies of correspondence with the United States Ambassador on the subject of the new Supplementary Extradition Convention which it is proposed to conclude with the United States of America.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 271 in Dominions No. 81.

† No. 379.

Enclosure 1 in No. 380.

SIR,

Foreign Office, S.W.1, 16th January, 1922.

WITH reference to Mr. Harvey's note of the 28th May last (No. 18)* relative to the Convention signed at London on 15th January, 1917, making the wilful desertion of wife and children in the United States and Canada an extraditable offence, I have the honour to inform you that, as the outcome of communication with the Government of the Dominion of Canada, it is ascertained that the proposed amendment of Article 1 of the Convention is acceptable to that Government.

2. With regard to the further inquiry made in His Excellency's note, I would observe that this amendment will entail the signature of a new convention in the form now agreed upon. A proof† which has been prepared accordingly is enclosed, and I have the honour to state that in due course, and whenever it may be found convenient to proceed to the formality of signature, I shall be happy to appoint a date for the purpose.

I have, &c.,

(In the absence of the Secretary of State)

G. H. VILLIERS.

Post Wheeler, Esq.,

— &c., &c., &c.

Enclosure 2 in No. 380.

(No. 135.)

MY LORD,

London, 23rd March, 1922.

WITH reference to Your Lordship's note of 16th January last, stating that the proposed amendment of Article 1 of the Convention signed at London on 15th January, 1917, making the wilful desertion of wife and children in the United States and Canada an extraditable offence is acceptable to His Majesty's Government, and that this amendment will entail the signature of a new convention, I have the honour to inform Your Lordship that I am in receipt of a communication from my Government transmitting the President's full power authorizing me to sign the new convention in the form now agreed upon.

In view of the foregoing, I have the honour to request Your Lordship to designate, in due course and whenever it may be found agreeable, a date upon which this convention may be concluded and signed.

I have, &c.,

POST WHEELER,

For the Ambassador:

Counsellor of Embassy.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c.,

&c.,

&c.

24766

No. 381.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 382.]

(No. 277.)

MY LORD,

Downing Street, 29th May, 1922.

WITH reference to my despatch No. 211 of the 22nd April,‡ I have the honour to request Your Excellency to inform your Ministers that the Supplementary Extradition Convention with the United States, of which a copy was forwarded in my despatch No. 667 of the 25th November, 1921,§ was duly signed with the United States Ambassador on the 15th May.

2. I should be glad to learn whether your Ministers concur in the preparation of His Majesty's ratification of this Convention for exchange at the proper time, as provided in Article 3.

I have, &c.,

WINSTON S. CHURCHILL.

* Enclosure in No. 209 in Dominions No. 81.
 ‡ Not printed. The text of the Treaty is
 contained in Treaty Series 1922, No. 18. § No. 271 in Dominions No. 81.

30482

No. 382.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 26th June, 1922.)

(No. 340.)

SIR,

Government House, Ottawa, 14th June, 1922.

WITH reference to your despatch No. 277 of the 29th ultimo,* inquiring whether my Ministers concur in the preparation of His Majesty's ratification of the Supplementary Extradition Convention with the United States, I have the honour to point out that as the concurrence of my Ministers in the ratification of this Convention has already been notified in my despatches No. 618 of the 11th October, 1921, and No. 741 of the 21st December last,† they have no objection to the preparation of His Majesty's ratification of the Convention for exchange at the proper time, as provided in Article 3.

I have, &c.,

BYNG OF VIMY.

VENEREAL DISEASE AMONG SEAMEN.

Proposed International Convention.

10955

No. 383.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7th March, 1922.)

(No. 51.)

SIR,

Governor-General's Office, Pretoria, 14th February, 1922.

I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions No. 499 of the 16th December, 1921,‡ copy of a Minute from Ministers on the subject of the proposed International Convention regarding the treatment of venereal disease amongst seamen.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 383.

(Minute 101.)

Prime Minister's Office, 9th February, 1922.

WITH reference to Minute No. 33/1329 of 12th January, 1922, from His Royal Highness the Governor-General transmitting despatch Dominions No. 499, dated 16th December, 1921, from the Right Honourable the Secretary of State for the Colonies on the subject of a proposed International Convention regarding the treatment of venereal disease amongst seamen, Ministers have the honour to inform His Royal Highness that in terms of the Public Health Act No. 36 of 1919, the provision of venereal clinics at the ports of the Union is a matter for the local authorities at those ports, the Government refunding a proportion of the expenditure as provided in the said Act.

Venereal clinics have already been established at Cape Town and East London at which seamen are entitled to free medical treatment, and it is hoped that in the near future, similar facilities will be provided at Durban and Port Elizabeth.

* No. 381.

† No. 270 in Dominions No. 81 and No. 379 in this section.

‡ No. 274 in Dominions No. 81.

Ministers entirely concur in the principle of the proposed Convention, and will promote co-ordinate action on the lines therein indicated, but as under present circumstances the Government is not in a position to assume direct responsibility for these clinics Ministers cannot recommend that the Union should become a party to the proposed Convention.

J. C. SMUTS.

17937

No. 384.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15th April, 1922.)

(No. 179.)

SIR, Government House, Ottawa, 28th March, 1922.
WITH reference to your despatch of the 16th December last, Dominions No. 499,* on the subject of Canada's participation in the proposed International Convention regarding the treatment of venereal disease among seamen, I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada intimating that the Canadian Government approves the principle of the proposed Convention and desires to participate in it.

I have, &c.,
BYNG OF VIMY.

Enclosure in No. 384.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 23RD MARCH, 1922.
(P.C. 633.)

THE Committee of the Privy Council have had before them a Report, dated 18th March, 1922, from the Acting Secretary of State for External Affairs, to whom was referred a despatch, dated the 16th December, 1921, Dominions No. 499, on the subject of the proposed International Convention regarding the treatment of venereal disease among seamen, inquiring whether the Canadian Government would desire to participate in such Convention.

The Acting Secretary of State for External Affairs submits that it is represented by the Minister of Health, who has had the matter under consideration, that the facilities necessary to meet the requirements imposed by the provisions of this agreement are already in large measure possessed by Canada and, where lacking, can be readily provided, and that in view of the advantages of adequate treatment secured under the agreement to Canadian sailors in all parts of the world, which under present conditions it is not possible to obtain, and of the protection afforded to the citizens of Canada through diminishing the risk of introducing infection into the Dominion, the Minister of Health is strongly of opinion that Canada should become a party to it.

The Committee concur in this opinion and, on the recommendation of the Acting Secretary of State for External Affairs, advise that Your Excellency may be pleased to inform the Right Honourable the Secretary of State for the Colonies that the Canadian Government approve the principle of the proposed Convention and would desire to participate therein.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

* No. 274 in Dominions No. 81.

23674

No. 385.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th May, 1922.)

(No. 91.)

SIR, Government House, Wellington, 7th April, 1922.
WITH reference to your despatch, Dominions No. 499, of the 16th December,* concerning the treatment of sailors suffering from venereal diseases, I have the honour to inform you that my Government is favourably disposed to such a Convention as has been suggested, and would be glad to participate in it.
2. My Prime Minister informs me that New Zealand has anticipated the requirements of the Convention, and has already extended the facilities for the treatment of venereal diseases accordingly.

I have, &c.,
JELLICOE,
Governor-General.

41537

No. 386.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21st August, 1922.)

(No. 284.)

SIR, Governor-General's Office, Melbourne, 12th July, 1922.
REFERRING to your despatch dated 16th December, 1921, Dominions No. 499,* relative to the proposed International Convention regarding the treatment of venereal disease among seamen, I have the honour, at the instance of my Prime Minister, to inform you that the treatment of venereal diseases amongst seamen employed on foreign-going ships of the mercantile marine is provided for by the Commonwealth Quarantine Act, under the provisions of which members of the ships' crews affected by these diseases are removed to Quarantine Station Hospitals, and there detained until the departure of the ship from the port or until any infective stage of the disease in question has been terminated.

During this period of detention a charge is made on the shipping company sufficient to cover the maintenance of the sailor or seaman, but medical attendance, necessary drugs and surgical dressings are provided free.

While to this extent the Government of the Commonwealth of Australia is acting in accordance with the terms of the proposed Convention, it is, nevertheless, not considered desirable that the Commonwealth should adhere in its entirety to the text of the proposed Convention, inasmuch as the method of providing free treatment is not in accordance with that implied by the wording of the Convention. To the extent, however, of using the model card of medical record, the Commonwealth is prepared to conform to the proposed method so that uniformity of practice will, to this extent, be secured.

I have, &c.,
FORSTER,
Governor-General.

Note.—Correspondence was still proceeding with the Belgian Government as to this Convention at the end of 1922.

* No. 274 in Dominions No. 81.

WASHINGTON CONFERENCE TREATIES.

Ratification of Treaties negotiated at Conference [Cmd. 1627.]

5248

No. 387.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.55 p.m., 3rd February, 1922.)

TELEGRAM.

[Answered by Nos. 388, 390, 392 and 393.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Paraphrase.)

3RD FEBRUARY. Quadruple Pacific Treaty signed Washington, 13th December. Question has arisen as to most appropriate time for ratification. Anticipated that there will be discussion of Treaty in Parliament here prior to ratification, but His Majesty's Government would wish that His Majesty the King should be in a position to ratify as soon as they are assured of United States ratification. Would this be in accordance with your Ministers' views? It will be, of course, necessary at or before ratification to take steps to give effect to arrangement that Quadruple Treaty shall not be interpreted as applying to main islands of Japan, which is understood to have been agreed to at Washington beginning of January. As regards this point Mr. Balfour is being consulted, and as soon as possible further communication will be sent to you.

[To Union of South Africa: Cabinet papers as to Washington Conference sent by mail of 29th December to your Prime Minister included Text of Treaty.]

—SECRETARY OF STATE FOR THE COLONIES.

6362

No. 388.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.40 p.m., 8th February, 1922.)

TELEGRAM.

(Paraphrase.)

8TH FEBRUARY. Ratification of Quadruple Pacific Treaty. Your telegram 3rd February.* It is the intention of my Prime Minister before ratification by Government of Canada to submit for the approval of Parliament Treaties concluded at Washington. Parliament opens on the 8th March, and he expects to be able to present them early in the session.—BYNG.

6362

No. 389.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.15 p.m., 11th February, 1922.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

11TH FEBRUARY. Confidential. My telegram of 3rd February.* Telegram received from Balfour giving text of supplementary agreement to Quadruple Pacific Treaty to be signed before his departure. Following are operative clauses:—

* No. 387.

Begins: Term "insular possessions and insular dominions" used in aforesaid Treaty shall in application to Japan include only Karafuto (or southern portion of island of Sakhalin), Formosa, and Pescadores and islands under mandate of Japan.

Present agreement shall have same force and effect as said Treaty to which it is supplementary.

Provisions of Article 4 of Treaty relating to ratification shall be applicable to present agreement. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

7291

No. 390.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.20 p.m., 14th February, 1922.)

TELEGRAM.

[Answered by No. 391.]

(Extract.)

(Paraphrase.)

14TH FEBRUARY. With reference to your telegram of 3rd February,* following from my Prime Minister:—

Begins: Ratification of Washington Treaty. Can you furnish us with copies of both Treaties as signed on behalf of Union in order that they may be laid before both Houses of Parliament? When this has been done I do not anticipate difficulty in securing concurrence of Parliament in ratification of Treaties. . . . *Ends.*

—ARTHUR FREDERICK.

7291

No. 391.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.50 p.m., 16th February, 1922.)

TELEGRAM.

[Answered by No. 395.]

(Extract.)

(Paraphrase.)

16TH FEBRUARY. With reference to your telegram 14th February,† regarding Washington Treaty, certified copies of the supplementary agreement of 13th December and main Treaty were forwarded in my despatch No. 46, of 31st January.‡ Will forward, as soon as possible, copies supplementary agreement referred to in my telegram of the 11th February.§ . . . SECRETARY OF STATE FOR THE COLONIES.

7850

No. 392.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.10 a.m., 18th February, 1922.)

TELEGRAM.

(Paraphrase.)

COMMONWEALTH Government agree that ratification of Quadruple Pacific Treaty by His Majesty is desirable as soon as ratification by United States is assured. Please advise as soon as United States ratifies, when necessary action will be taken at this end.

Above refers to your telegram of 3rd February*.—GOVERNOR-GENERAL.

* No. 387. † No. 390. ‡ 3954: not printed; the Treaties appear on pages 38-40 and 41 and 42 of [Cmd. 1627]. § No. 389.

8034

No. 393.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9 p.m., 18th February, 1922.)

TELEGRAM.

[Answered by No. 398.]

(Paraphrase.)

18TH FEBRUARY. Following from my Prime Minister for Mr. Lloyd George:—

Begins: We intend to submit for approval of Parliament treaties concluded at Washington Conference before advising ratification by His Majesty the King on behalf of Canada. In order to determine date of such submission I should be glad to have your advice as to when you propose to take steps in Great Britain looking (?) to ratification, and especially as to desirability, if any, of withholding such submission to Parliament until after decision has been declared by United States Senate. *Ends.*

—BYNG.

7715

No. 394.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

Dominions Treaty No. 8.)

[MY LORD,] [SIR,]

Downing Street, 24th February, 1922.

WITH reference to my telegram of the 3rd February,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] for the information of your Ministers, copies of correspondence, as noted in the margin, regarding the rights of Portugal and the Netherlands in relation to their insular possessions in the region of the Pacific Ocean.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 394.

MR. BALFOUR (WASHINGTON DELEGATION).

(Received 10.0 a.m., 3rd February, 1922.)

TELEGRAM.

(No. 327. (R).)

2ND FEBRUARY. To save time and insure delivery at the proper moment, following telegram has been addressed *mutatis mutandis* direct to His Majesty's representatives at The Hague and at Lisbon. *Begins:*

In concert with your American, French, and Japanese colleagues, you should make the following communication to Netherlands Government on Saturday, 4th February:—

"British Empire has concluded, on 13th December, 1921, with United States of America, France, and Japan a treaty with a view to the preservation of general peace and maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean. They have agreed thereby as between themselves to respect their rights in relation to these possessions and dominions.

* No. 387.

"Netherlands not being signatory to the said treaty, and Netherlands possessions in the region of Pacific Ocean therefore not being included in agreement referred to, His Britannic Majesty's Government, anxious to forestall any conclusion contrary to the spirit of the treaty, desire to declare that it is firmly resolved to respect the rights of Netherlands in relation to her insular possessions in the region of the Pacific Ocean." *Ends.*

Enclosure 2 in No. 394.

SIR L. CARNEGIE (LISBON).

(Received 8.30 a.m., 8th February, 1922.)

(R.)

7TH FEBRUARY. Following sent to-day to Washington. *Begins:*

Your telegram of 3rd February. Communication duly made yesterday to Portuguese Government by me and French and American colleagues; there is no Japanese representative here. Minister accredited to Portuguese resides in Madrid.

Foreign Office informed. *Ends.*

Reference, Foreign Office telegram No. 12.

Enclosure 3 in No. 394.

(No. 70.)

MY LORD,

The Hague, 7th February, 1922.

WITH reference to my despatch No. 64, of 4th February, I have the honour to enclose a copy of a note which I addressed to the Netherlands Government on 4th February regarding the conclusion of the treaty for the maintenance of peace in the Pacific. My United States, French, and Japanese colleagues sent similar notes to the Netherlands Government on the same day.

I have, &c.,

C. M. MARLING.

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.

(No. 22.)

MONSIEUR LE MINISTRE,

British Legation, The Hague, 4th February, 1922.

THE British Empire has concluded, on 13th December, 1921, with the United States of America, France, and Japan a treaty with a view to the preservation of general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean. They have agreed thereby as between themselves to respect their rights in relation to these possessions and dominions.

The Netherlands not being signatory to the said treaty, and the Netherlands possessions in the region of the Pacific Ocean therefore not being included in the agreement referred to, His Britannic Majesty's Government, anxious to forestall any conclusion contrary to the spirit of the treaty, desire to declare that it is firmly resolved to respect the rights of the Netherlands in relation to her insular possessions in the region of the Pacific Ocean.

In bringing the foregoing to the knowledge of Your Excellency by the instructions of my Government,

I avail myself, &c.,

C. M. MARLING.

His Excellency

Jonkheer van Karnebeck,

&c., &c., &c.

9239

No. 395.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.45 p.m., 24th February, 1922.)

TELEGRAM.

(Paraphrase.)

24TH FEBRUARY. Your telegram of 16th February.* Prime Minister anxious to lay both Pacific and Disarmament Treaties simultaneously before Parliament, and desires information as to when he may expect copies of Disarmament Treaty. He would be glad to receive further copies of Pacific Treaty and Declarations and also liberal supply of copies of Disarmament Treaty.—ARTHUR FREDERICK.

11247

No. 396.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.30 a.m., 7th March, 1922.)

TELEGRAM.

[Answered by No. 398.]

(Paraphrase.)

7TH MARCH. Following from my Prime Minister for Prime Minister:—

Begins: As Session opens to-morrow I should be grateful for any information on questions which were raised in my telegram of 18th February† respecting submission to Parliament of Washington Conference Treaties. *Ends.*

—BYNG.

10312

No. 397.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Commonwealth of Australia. No. 112.)

(New Zealand. No. 46.)

(Union of South Africa. No. 84.)

(Newfoundland. No. 41.)

[MY LORD.] [SIR,]

Downing Street, 8th March, 1922.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, [To Commonwealth of Australia, New Zealand, and the Union of South Africa: one certified copy and nine uncertified copies] [To Newfoundland: two copies] of each of the following Treaties which were signed at Washington on the 6th February.

1. Treaty for the Limitation of Naval Armament.
2. Treaty to protect neutrals and non-combatants at sea in time of war, and to prevent the use in war of noxious gases and chemicals.
3. Far Eastern Treaty.
4. Chinese Customs Tariff Treaty. [To Commonwealth of Australia, New Zealand, and the Union of South Africa: One certified copy and nine uncertified copies] [To Newfoundland: Two copies] are also enclosed of the supplementary agreement to the Quadruple Pacific Treaty, which was also signed on the 6th February; the operative clauses of this agreement were communicated to you in my telegram of the 11th of February,† which need no longer be regarded as confidential.

* No. 391. † No. 393. — ‡ No. 389. (This telegram was not sent to Newfoundland.)

2. I take this opportunity to transmit to you [nine] [two] uncertified copies of the Quadruple Pacific Treaty, which was signed on the 13th December, 1921, and of the English and French texts of the Explanatory Declaration relating thereto.

[To Commonwealth of Australia and New Zealand: It is understood that certified copies of this Treaty and Declaration were given direct to the representative of [the Commonwealth of Australia] [New Zealand] at the Washington Conference.

[To Union of South Africa: Certified copies of this Treaty and Declaration were forwarded to you in my despatch No. 46 of the 31st January.*]

I have, &c.,

WINSTON S. CHURCHILL.

11829

No. 398.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.5 p.m., 15th March, 1922.)

TELEGRAM.

(Paraphrase.)

15TH MARCH. With reference to your telegrams of 18th February and 7th March,† Prime Minister sends following for your Prime Minister:—

Begins: Exigencies of financial business in Parliament make impossible early discussion Washington treaties, and pending decision of Senate at Washington as to their fate we consider it better in any case to avoid public discussion here. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

14183

No. 399.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 2.50 p.m., 31st March, 1922.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

31ST MARCH. As regards ratification of treaties signed at Washington Conference other than Quadruple Pacific Treaty position of His Majesty's Government is as set out in my telegram 3rd February‡ except that they are advised that before Naval Treaty can be ratified it will be necessary to pass legislation here for carrying out obligations imposed by it. Bill is being drafted accordingly.— SECRETARY OF STATE FOR THE COLONIES.

14332

No. 400.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 2.55 p.m., 31st March, 1922.)

TELEGRAM.

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

31ST MARCH. My telegram 3rd February.† His Majesty's Ambassador at Washington reports that Quadruple Pacific Treaty approved by United States Senate 24th March by 67 votes to 27, with reservation, gist of which is as follows:—

Begins: United States understands that under statement in preamble or under terms of this Treaty there is no commitment to armed force, no alliance, no obligation to join in defence. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

* 3954: not printed; the Treaty and Declaration appear on pages 38-41 of [Cmd. 1627].

† Nos. 393 and 396.

‡ No. 387.

14183

No. 401.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 3.0 p.m., 31st March, 1922.)

TELEGRAM.

(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

[To Union of South Africa: 31st MARCH.] My telegram 31st March.*
Copies of Naval and other treaties forwarded in my despatch of 8th March, No. [112] [46] [84].†—SECRETARY OF STATE FOR THE COLONIES.

16106

No. 402.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.50 a.m., 4th April, 1922.)

TELEGRAM.

[Answered by No. 404.]

(Paraphrase.)

WITH reference to my telegram of 18th February.‡ Should be glad to learn by telegraph titles and dates of any agreement or treaty supplementary to Quadruple Pacific Treaty, which should be referred to in the request for ratification of this Treaty to be made to His Majesty by Commonwealth Government.—GOVERNOR-GENERAL.

15698

No. 403.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.0 p.m., 5th April, 1922.)

TELEGRAM.

(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

5TH APRIL. My telegram 31st March.§ His Majesty's Ambassador at Washington reports that supplement to Four Power Treaty regarding insular possession and dominions was approved by United States Senate 27th March by 73 votes to 0. Senate adopted as reservation proposed by Lodge second clause of original declaration signed by Conference delegates 13th December, copies of which sent 8th March, excluding "domestic questions" from scope of treaty. Reservation also contained clause similar to first clause of same declaration regarding position of United States in relation to mandates. On 29th March Senate approved Naval Treaty by 74 votes to 1, and Poisonous Gas and Submarine Treaty by 71 votes to 0, and on 30th March approved Nine Power China Treaty by 66 votes to 0, and Chinese Tariff Treaty by 58 votes to 1.—SECRETARY OF STATE FOR THE COLONIES.

* No. 399. † No. 397. ‡ No. 392. § No. 400.

18898

No. 404.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.40 p.m., 2nd May, 1922.)

TELEGRAM.

YOUR telegram 4th April.* For purposes of ratification proposed to divide agreements signed Washington into four groups, each group being covered by single instrument of ratification. Following are groups:—

- (a) Quadruple Pacific Treaty and Declaration, 13th December and Supplementary Treaty, 6th February.
- (b) Naval Treaty, 6th February.
- (c) Treaty regarding Submarines and Noxious Gases, 6th February.
- (d) Two Treaties regarding China, 6th February.

Copies of all above enclosed in my despatch 8th March, 112† Suggested that request to His Majesty by Commonwealth Government to ratify Quadruple Treaty should cover Treaty of 13th December, Declaration of same date accompanying Treaty, and Treaty 6th February, supplementary to above.—SECRETARY OF STATE FOR THE COLONIES.

18898

No. 405.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.30 p.m., 10th May, 1922.)

TELEGRAM.

[Answered by No. 411.]

My telegram, 3rd February,‡ my telegram 2nd May.§ It is probable that ratification by His Majesty of all Treaties signed Washington will have to be deferred until legislation passed here giving effect to Naval Treaty, see my telegram of 31st March,|| but His Majesty's Government will be glad of early advice whether your Ministers concur in ratification when time comes.—SECRETARY OF STATE FOR THE COLONIES.

18898

No. 406.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 12.30 p.m., 10th May, 1922.)

TELEGRAM.

[Answered by Nos. 407 and 408.]

(Canada.)
(New Zealand.)
(Union of South Africa.)

10TH MAY. My telegram, 3rd February.‡ It is probable that ratification by His Majesty of all Treaties signed Washington will have to be deferred until legislation passed here giving effect to Naval Treaty, see my telegram of 31st March,|| but His Majesty's Government will be glad of early advice whether your Ministers concur in ratification when the time comes. For purposes of ratification proposed to divide Treaties into four groups, each group being covered by single instrument of ratification. Following are groups:—

- (a) Quadruple Pacific Treaty and Declaration 13th December, and Supplementary Treaty 6th February.
- (b) Naval Treaty 6th February.
- (c) Treaty regarding Submarines and Noxious Gases, 6th February.
- (d) Two Treaties regarding China, 6th February.

—SECRETARY OF STATE FOR THE COLONIES.

* No. 402. † No. 397. ‡ No. 387. § No. 404. || No. 399.

No. 407.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.10 a.m., 18th May, 1922.)

TELEGRAM.

18TH MAY. Your telegram, 10th May.* Government of New Zealand concurs in ratification of all Treaties signed at Washington when time comes for this to be done.—JELICOE.

26689

No. 408.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.22 p.m., 1st June, 1922.)

TELEGRAM.

1ST JUNE. Your telegram, 10th May.* Ratification of Treaties signed at Washington. Ministers intend bringing the Treaties before Union Parliament. Motion in favour of ratification is on Order Paper of House of Assembly for 2nd June. Will telegraph you result. It cannot yet be laid before Senate, which has adjourned till 15th June.—ARTHUR FREDERICK.

26732

No. 409.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1 p.m., 3rd June, 1922.)

TELEGRAM.

3RD JUNE. My telegram 1st June.† Washington Treaties. Motion not reached yesterday in House of Assembly.—ARTHUR FREDERICK.

27589

No. 410.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 12.45 p.m., 10th June, 1922.)

TELEGRAM.

[Answered by Nos. 411 and 412.]

(Canada.)

(Commonwealth of Australia.)

10TH JUNE. Should be glad to receive an early reply to my telegram of 10th May† ratification Washington Treaties. Proposed to introduce Naval Treaty Bill 14th June. see my telegram 8th June.‡—SECRETARY OF STATE FOR THE COLONIES.

27963

No. 411.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.55 p.m., 12th June, 1922.)

TELEGRAM.

12TH JUNE. Your telegram, 10th May.‖ Government of Commonwealth of Australia proposes to concur in ratification of Treaties signed at Washington and will take necessary enabling action here when occasion arises.—GOVERNOR-GENERAL.

* No. 406. † No. 408. ‡ Nos. 405 and 406. § 24618: not printed; it summarized the provisions of the Bill afterwards passed as 12 and 13 Geo. 5, ch. 21. || No. 405.

No. 412.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.0 a.m., 6th July, 1922.)

TELEGRAM.

5TH JULY. Your telegram 10th June.* Order in Council approved 3rd July ratifying following Washington Treaties. Limitation of Naval Armaments. Conditions in Far East and Chinese Customs Tariff. Protection of Neutrals and Non-combatants at Sea in time of War and Prevention of use in War of Noxious Gases and Chemicals. Preservation of General Peace and Maintenance of Rights in relation to Insular Possessions and Dominions in Region of Pacific. Despatch follows by mail.—BYNG.

34018

No. 413.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 2.30 p.m., 15th July, 1922.)

TELEGRAM.

15TH JULY. My despatch 9th June, No. 81.† Naval Treaty Bill has now passed both Houses of Parliament. Proposed that this and other Treaties signed Washington should be ratified by His Majesty as soon as possible.—SECRETARY OF STATE FOR THE COLONIES.

34018

No. 414.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 2.30 p.m., 15th July, 1922.)

TELEGRAM.

[Answered by Nos. 416 and 419.]

(Commonwealth of Australia.)

(Union of South Africa.)

15TH JULY. My telegram 8th June.† Naval Treaty Bill has now passed both Houses of Parliament. His Majesty's Government would be glad to learn as early as possible whether your Ministers concur in ratification of all Treaties signed Washington.—SECRETARY OF STATE FOR THE COLONIES.

34018

No. 415.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 2.30 p.m., 15th July, 1922.)

TELEGRAM.

[Answered by Nos. 416 and 418.]

(Commonwealth of Australia.)

(Union of South Africa.)

(Paraphrase.)

15TH JULY. Confidential. My telegram of to-day's date‡ regarding Washington Treaties. Understood that early ratification by His Majesty would cause United States Government great satisfaction. His Majesty's Chargé d'Affaires at Washington also reports that adverse comment is being caused in United States by delay in ratification.—SECRETARY OF STATE FOR THE COLONIES.

* No. 410. † 24618: not printed; it summarized the provisions of the Bill afterwards passed as 12 and 13 Geo. 5, ch. 21. ‡ No. 414.

35699

No. 416.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.38 p.m., 21st July, 1922.)

TELEGRAM.

21ST JULY. Your telegram 15th July.* Washington Treaties. Ministers report that treaties have now been confirmed by Union Parliament and request that they may be ratified on behalf of South Africa. They explain that delay has been due to great pressure of work in Union Parliament and necessity passing considerable Legislative programme which compelled Government to defer introduction of necessary motion of confirmation.—ARTHUR FREDERICK.

34887

No. 417.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.50 a.m., 26th July, 1922.)

TELEGRAM.

[Answered by No. 418.]

(Paraphrase.)

MATTER most urgent. With reference to my telegram 15th July.* Following for your Prime Minister. *Begins:* All other Dominions have now concurred in ratification by His Majesty of treaties signed at Washington, and Secretary of State for Foreign Affairs is pressing to know how soon approval of Commonwealth can be obtained. If this approval is likely to be delayed beyond the end of July he thinks that it will be necessary for His Majesty's ratification to be sent in with reservation as to Australia. He strongly deprecates this course, however, as he thinks that political interests of Empire render it most desirable that no part should be excluded from His Majesty's ratification. It is gathered from your telegram of 12th June† that Commonwealth Government are only waiting for necessary action in Commonwealth Parliament. Can you expedite this? *Ends.*—SECRETARY OF STATE FOR THE COLONIES.

36986

No. 418.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.50 p.m., 28th July, 1922.)

TELEGRAM.

(Paraphrase.)

In reply to your telegram 26th July‡ on subject of Washington Treaty, my Prime Minister sends following:—*Begins:* I greatly regret delay which has been unavoidable. I fully expect ratification Wednesday or Thursday next. *Message ends.*—GOVERNOR-GENERAL.

* No. 414.

† No. 411.

‡ No. 417.

38140

No. 419.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.40 a.m., 3rd August, 1922.)

TELEGRAM.

3RD AUGUST. Your telegram 15th July.* Washington Treaties. Government of Commonwealth of Australia concurs in ratification by His Majesty of all Treaties signed on its behalf at Washington.—GOVERNOR-GENERAL.

42141

No. 420.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.39 a.m., 24th August, 1922.)

TELEGRAM.

24TH AUGUST. Following resolution unanimously agreed to by House of Representatives 18th August: *Begins:* That the House of Representatives of New Zealand in Parliament assembled assent to ratification by His Majesty of the Washington Treaties as negotiated by the Plenipotentiaries at the recent Washington Conference. *Ends.* Resolution in similar terms will also be passed by the Legislative Council.—JELlicoe.

41172

No. 421.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland)

Dominions No. 310.)

[MY LORD.] [SIR,]

Downing Street, 26th August, 1922.

WITH reference to my despatch Dominions No. 153 of the 15th of May,† I have the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that the instruments of His Majesty's Ratification of the treaties, agreement and declaration signed at Washington during the recent Conference, were forwarded to His Majesty's Ambassador at Washington on the 11th of August for communication to the United States Government and for deposit in their archives.

2. His Majesty's Ambassador at Tokyo has reported that the five treaties with the supplementary treaty to the Pacific Treaty, and twelve resolutions were ratified by the Prince Regent of Japan on the 5th of August, and the Japanese Ambassador states that the ratification is being transmitted to Washington for deposit with the United States Government.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 414.

† 20605: not printed; it enclosed a copy of a Note from the United States Ambassador regarding ratification by the United States.

44199

No. 422.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand
(Union of South Africa.
(Newfoundland.)

Dominions No. 342.)

[MY LORD.] [SIR.]

Downing Street, 9th September, 1922.

WITH reference to my despatch Dominions No. 310 of the 26th of August,* I have the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that His Majesty's Ambassador at Washington has reported that he has learnt informally that the United States Government are unwilling to receive His Majesty's ratifications of the treaty, agreement, and declarations signed at the Washington Conference until a date can be fixed on which all Powers can deposit their ratifications simultaneously.

I have, &c.,

WINSTON S. CHURCHILL.

Note.—The Treaties had not been ratified by France or Italy up to the end of 1922.

WOMEN AND CHILDREN, TRAFFIC IN.

International Convention, 1921.

(League of Nations Treaty Series, Vol. IX, No. 269.)

64192

No. 423.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 429.]

(No. 4.)

SIR,

Downing Street, 6th January, 1922.

WITH reference to my despatch No. 166 of the 14th November, 1921,† I have the honour to transmit to you, to be laid before your Ministers, a copy of a Note‡ from the Secretary-General of the League of Nations, forwarding copies of the Final Act of the International Conference on Traffic in Women and Children, and of the Convention as signed.

2. It will be observed that in signing the Convention on behalf of the British Empire, Mr. Balfour declared under Article 14 that his signature did not include Newfoundland, the British Colonies and Protectorates, etc.

3. His Majesty's Government hope, however, that it will be possible for Newfoundland to accept the Convention, and I should be glad to be informed whether your Ministers would wish a notification of the adherence of Newfoundland to the Convention, to be made to the League of Nations. In this connexion I would invite reference to Mr. Balfour's speech at the 23rd Plenary Meeting of the League of Nations Assembly, 29th September, 1921 (pages 6—7 of the Provisional Verbatim Record).

I have, &c.,

WINSTON S. CHURCHILL.

* No. 421. † 53406: not printed; this enclosed copies of League of Nations papers relating to the Convention, viz., A.132, A.125, and Verbatim Records of the Proceedings of the Assembly on the 28th and 29th September, 1921. ‡ 64192: League of Nations paper, C.L.103, 1921, V.

3062

No. 424.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 11.45 a.m., 21st January, 1922.)

TELEGRAM.

[Answered by Nos. 425, 426, 427 and 428.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

21ST JANUARY. His Majesty's Government propose to advise His Majesty to ratify Women and Children Convention signed Second Assembly League Nations. Do Ministers desire that Convention should be ratified on their behalf?—SECRETARY OF STATE FOR THE COLONIES.

4472

No. 425.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.0 a.m., 28th January, 1922.)

TELEGRAM.

[Answered by No. 433.]

28TH JANUARY. Your telegram 21st January.* Government of New Zealand agrees to Women and Children Convention being ratified on their behalf.—JELlicoe.

4471

No. 426.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.15 a.m., 28th January, 1922.)

TELEGRAM.

[Answered by No. 433.]

28TH JANUARY. Your telegram 21st January.* Women and Children Convention. Government of Commonwealth of Australia desire ratification on their behalf subject to reservation made by signatory for Australia.—GOVERNOR-GENERAL.

5667

No. 427.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.15 p.m., 4th February, 1922.)

TELEGRAM.

[Answered by No. 433.]

4TH FEBRUARY. Your telegram of 21st January.* Minute(s) of Council 2nd February intimating desire of Canada that Convention for suppression of traffic in women and children should be ratified on behalf of Canada. Despatch† follows by mail.—BYNG.

* No. 424.

† 8883: not printed; this enclosed a copy of the approved Minute P.C. 204.

16571

No. 428.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.50 p.m., 6th April, 1922.)

TELEGRAM.

[Answered by No. 430.]

APRIL 6TH. Your telegram of 21st January,* Women and Children Convention. Ministers are in complete sympathy with aims and objects and are prepared to use all means under existing laws or by administrative instructions to give effect to Convention, but are not at present in position to introduce legislation to amend laws to cover points in which they may be defective. Existing laws make sufficient provision for carrying out terms of Convention with following exceptions, which appear of no great moment:

(1) Article 3. While under South African system of law mere preparation for commission of offence is not punishable because it does not constitute what is technically attempt to commit offence, nevertheless where specific attempt to commit offence is accompanied by act directed towards execution of intent, then if that act is part of series of acts necessary or thought by accused to be necessary to commission of offence it is punishable as attempt. This seems to go very far towards fulfilling terms of Convention.

(2) Article 6. Existing law in two most populous provinces provides for such licensing and supervision. There appears to be no practical need for extending those laws at present to other two provinces. Further inasmuch as under existing circumstances women and children do not leave shores of South Africa to such employment in another country there is apparently no necessity for specific regulations for ensuring protection after they have left Union.

(3) Article 7. Social conditions in Union render undesirable exhibition of notices in railway stations and ports warning women and children.

Subject to reservation(s) on points indicated, Ministers are prepared to recommend that Convention be ratified on behalf of Union.—ARTHUR FREDERICK.

22514

No. 429.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12th May, 1922.)

[Answered by No. 434.]

(No. 60.)

SIR, Government House, St. John's, 19th April, 1922.

I HAVE the honour to acknowledge the receipt of your despatch No. 4 of the 6th January,† forwarding copies of the Final Act of the International Conference on Traffic in Women and Children, and to inform you that my Ministers accept the terms of the Convention, and would be glad that a notification of the adherence of Newfoundland to the Convention should be made to the League of Nations.

I have, &c.,

C. ALEXANDER HARRIS.

* No. 424.

† No. 423.

21350

No. 430.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.40 a.m., 20th May, 1922.)

TELEGRAM.

[Answered by No. 432.]

YOUR despatch 7th April, 151.* Women and Children Convention. As regards points mentioned, position in this country regarding Article 3 is same as in Union, also second part of Article dealing with preparatory acts is governed by words "within legal limits" and understood that this part was only intended to apply to countries where preparatory acts recognized as offences in legal system. As Ministers indicate other points seem of no great importance. Proposed so far as United Kingdom and other Dominions concerned ratify Convention without reservation. In the circumstances would your Ministers agree to similar procedure in case of Union.—SECRETARY OF STATE FOR THE COLONIES.

21350

No. 431.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.45 p.m., 2nd June, 1922.)

TELEGRAM.

[Answered by No. 432.]

2ND JUNE. My telegram 20th May.† Desired to announce ratification of Women and Children Convention at meeting of Advisory Committee to be held 28th June. In the circumstances His Majesty's Government would be glad to learn as soon as possible whether your Ministers agree to procedure set out my telegram of 20th May.—SECRETARY OF STATE FOR THE COLONIES.

27200

No. 432.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.15 a.m., 7th June, 1922.)

TELEGRAM.

[Answered by No. 433.]

6TH JUNE. Your telegrams of 20th May and 2nd June.‡ Women and Children Convention. My Ministers agree to ratification without reservation.—ARTHUR FREDERICK.

* 19537: not printed; it confirmed No. 428.

† No. 430.

‡ Nos. 430 and 431.

30808

No. 433.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.

Dominions Treaty No. 26.)

[MY LORD,] [SIR,]

Downing Street, 10th July, 1922

WITH reference to [Your Excellency's telegram of the 4th of February,*]
[Your Excellency's telegram of the 28th of January,†] [Your Excellency's telegram
of the 28th of January,‡] [Your Royal Highness's telegram of the 6th of June,§]
I have the honour to transmit to you, for the information of your Ministers, a copy
of the form of ratification|| by His Majesty the King of the International Convention
for the Suppression of Traffic in Women and Children.

I have, &c.,

WINSTON S. CHURCHILL.

30808

No. 434.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 97.)

SIR,

Downing Street, 10th July, 1922.

WITH reference to your despatch No. 60 of the 19th of April,¶ I have the
honour to transmit to you, for the information of your Ministers, a copy of the form
of ratification|| by His Majesty the King of the International Convention for the
Suppression of Traffic in Women and Children, and to state that steps will be taken,
in accordance with your Ministers' desire, to notify adhesion to the Convention on
behalf of Newfoundland.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 427. † No. 426. ‡ No. 425. § No. 432. || Not printed: the instrument was in
the usual form, including the reservations made by the Plenipotentiaries at the time of signature.
¶ No. 429.

CO 886/10/2

173

88

Dominions

No. 88.

491

CORRESPONDENCE,

1923.

171

CONFIDENTIAL.

INDEX.

INTERNATIONAL ARRANGEMENTS AND TREATY RELATIONS.

POSITION OF THE SELF-GOVERNING DOMINIONS AND SOUTHERN RHODESIA.

CORRESPONDENCE,
1923.

(In continuation of Dominions Nos. 75, 76, 78, 80, 81 and 87;
continued by Dominions No. 93.)

Position of the Self-Governing Dominions and Southern Rhodesia.

CORRESPONDENCE,
1923.

INDEX.

Aerial Navigation Convention, 1919.

(Treaty Series 1922, Nos. 2 and 11, and 1925, Nos. 12 and 13).

(1) Article 5 : Postponement of Application and Amendment of Article ...	1
(2) Article 5 : Applications for Derogations by	
(a) Belgium ...	6
(b) France ...	9
(c) Canada ...	10
(d) Great Britain ...	11
(3) Article 25 ...	12
(4) Article 34 : Proposed Amendment...	14
(5) Position of the Irish Free State and Newfoundland ...	18

Afghanistan

Trade Convention 1923. (Treaty Series 1923, No. 21) ...	23
---	----

Antarctic.

Future Control ...	25
--------------------	----

Arbitration Agreements.

(1) France. (Treaty Series 1923, No. 20) ...	
(2) Italy. (Treaty Series 1923, No. 22) ...	
(3) Spain. (Treaty Series 1924, No. 16) ...	27
(4) United States (Treaty Series 1924, No. 8) ...	

Arbitration in Commercial Contracts.

Protocol regarding
(See under League of Nations).

Arms Traffic Convention.

(Treaty Series 1919, No. 12). ...	32
-----------------------------------	----

Australia.

Commercial Treaties affecting. Enquiry from Danish Government ...	37
Attitude on Italo-Greek Crisis (See under Italy). (See also under Muscat, Norway and Persia).	

Austria.

Proposed Commercial Treaty. (Treaty Series 1925, No. 21). Interpretation of Clause ensuring most-favoured-nation treatment for Dominions ...	39
---	----

Belgium.

(See under Aerial Navigation Convention and Extradition Treaties).

Brazil.

Proposed Commercial Agreement ...	44
-----------------------------------	----

Canada.

(1) Commercial Treaties applying to Canada ...	50
(2) Procedure for issue of Full Powers to Canadian Plenipotentiaries ...	53
(3) Commercial Conventions with France and Italy (See under France and Italy).	
(4) Pacific Halibut Treaty (See under United States).	
(5) Position in relation to Anglo-Spanish Commercial Treaty (See under Spain).	
(6) Right to withdraw from Treaty with Muscat (See under Muscat).	
(7) Withdrawal from Treaties with Persia (See under Persia).	
(8) Soviet Trade Delegation (See under Russia).	

Colombia.

(See under Territorial Waters).

Commercial Treaties.

- (1) Australia, Position of
(See under Australia).
- (2) Canada, Position of
(See under Canada).
- (3) Mandated Territories, Position of
(See under Mandates).
- (4) Most-favoured-nation Clause
(See under Austria and Poland).
- (5) Southern Rhodesia, Position of
(See under Southern Rhodesia).

Cuba.

Registration of Canadian Trade Marks
(See under Industrial Property Convention).

Customs Formalities Convention.

(See under League of Nations).

Customs Tariffs, International Convention for the Publication of

Position of Irish Free State ... 54

Czechoslovakia.

- (1) Commercial Treaty. (Treaty Series 1924, No. 35) ... 58
- (2) Agreement on Commercial Travellers' Samples ... 65
(Treaty Series 1923, No. 19, and 1924, No. 14).

Denmark.

Enquiry as to position of Australia under Commercial Treaties
(See under Australia).

Electrical Communications.

Proposed International Convention. Voting Power of Dominions ... 70

Extradition Treaties.

- (1) Belgium (Treaty Series 1924, No. 1) ... 74
- (2) Position of Mandated Territories.
(See under Mandates. Position of Mandated Territories in relation to Treaties).
- (3) Position of Southern Rhodesia
(See under Southern Rhodesia).

Finland.

Proposed Tonnage Measurement Agreement. (Treaty Series 1924, No. 30). 74

Flags of Inland States.

(See under Freedom of Transit).

Foreign Affairs.

Note on Present Procedure as regards Communication with the Governments of the
self-governing Dominions on Foreign Affairs ... 77

France.

- (1) Anglo-French Relations ... 78
- (2) Commercial Convention with Canada (Treaty Series 1923, No. 25). ... 83
- (3) Commercial Relations with Irish Free State ... 87
- (4) Convention relating to Legal Proceedings in Civil and Commercial Matters (Treaty
Series 1922, No. 5) ... 88
- (5) Derogation from Article 5, Aerial Navigation Convention
(See under Aerial Navigation Convention).
- (6) Renewal of Arbitration Agreement
(See under Arbitration Agreements).

Freedom of Transit.

- (1) Declaration as to Flags of Inland States (Treaty Series 1923, No. 29). ... 91
(See also under Irish Free State. Ratification of Certain Conventions).
- (2) Second General Conference, 1923. ... 95
- (3) Conventions regarding Freedom of Transit and Navigable Waterways. (Treaty
Series 1923, Nos. 27 and 28).
(See under Irish Free State. Ratification of Certain Conventions).

Full Powers.

- (1) Procedure for issue of
(See under Canada).
- (2) Issue to Canadian Plenipotentiary alone.
(See under United States. Pacific Halibut Fishery Treaty).

Germany.

- (1) Agreement relating to Property, Rights and Interests
(See under Property, Rights and Interests)
- (2) Treaty of 1899 relating to Western Samoa
(See under Mandates: Western Samoa)

Greece.

Italo-Greek Crisis, September, 1923.
(See under Italy).

Immigration.

Restrictions on
(See under Siam).

Industrial Property Conventions, 1883 and 1911

- (1) Registration of Canadian Trade-Marks in Cuba
Position of British subjects and companies. ... 95
- (2) Accession of Canada to 1911 Convention ... 100

Insular Possessions in Pacific.

Treaty.
(See under Washington Conference).

International Labour Conference.

- (1) Amendment of Article 393, Treaty of Versailles. (Treaty Series 1925, No. 6). 106
- (2) Position of Southern Rhodesia in relation to International Labour Conventions.
(See under Southern Rhodesia).

International Radiotelegraph Convention, 1912.

(See under Electrical Communications).

International Refrigeration Convention, 1920.

(Treaty Series 1923, No. 6). 111

International Sanitary Convention, 1912.

(Treaty Series 1921, No. 2). 112

International Telegraph Convention.

Adhesion of Irish Free State ... 113

International Veterinary Bureau.

Proposed International Convention ... 115

Irish Free State.

- (1) Communications on International Affairs ... 119
- (2) Ratification of Certain Conventions ... 121
- (3) Position in Relation to Aerial Navigation Convention.
(See under Aerial Navigation Convention).
- (4) Commercial Relations with France.
(See under France).
- (5) Commercial Relations with Spain.
(See under Spain).
- (6) Position in relation to Postal Union.
(See under Postal Convention).
- (7) Position in relation to Convention dealing with Publication of Customs Tariffs.
(See under Customs Tariffs).
- (8) Position in relation to International Telegraph Convention.
(See under International Telegraph Convention).

Italy

- (1) Commercial Treaty with Canada. (Treaty Series 1924, No. 10). 124
- (2) Italo-Greek Crisis, September, 1923. ... 128
(See also under Arbitration and Territorial Waters).

Japan

- (1) Agreement regarding Loadlines. (Treaty Series 1924, No. 12). 129
- (2) Agreement regarding Tonnage Measurement. (Treaty Series 1923, No. 1). 130

Latvia

Commercial Treaty. (Treaty Series 1923, No. 30) ... 138

League of Nations.

- (1) Ratification of Amendments to Covenant. (Treaty Series 1923, No. 4, and 1924,
No. 4). ... 134
- (2) Proposed Amendment of Article 10 ... 137
- (3) Amendment of Article 16. (Treaty Series 1924, No. 32). ... 139
- (4) Reduction of Armaments: Proposed Treaty of Mutual Guarantee ... 145
- (5) Protocol concerning Arbitration Clauses in Commercial Contracts. (Treaty
Series 1925, No. 4). ... 146
- (6) Customs Formalities Convention. (Treaty Series 1925, No. 16) ... 147
- (7) Italo-Greek Crisis, September, 1923.
(See under Italy)

	PAGE
Legal Proceedings in Civil and Commercial Matters (See under France).	
Liquor Traffic Regulation. Convention with United States of America. (See under United States).	
Mandates.	
(1) Attitude of the United States Government	148
(a) B Mandates	148
(b) C Mandates	151
(2) Position of Mandated Territories in relation to Treaties	160
(3) Nauru Report, 1922	162
(4) Western Samoa: Preferential Tariff	165
(5) Nationality of Inhabitants of B and C Mandated Territories	170
(6) Permanent Mandates Commission: Appointment of British Member	179
Memel. Convention for Transfer of Sovereignty to Lithuania (Cmd. 2235)	180
Mozambique Convention, 1909. Renewal of Part I (Treaty Series 1923, No. 10)	180
Muscat. Anglo-Muscat Treaty, 1891 (Treaty Series 1892, No. 9)	181
Mutual Guarantee, Treaty of. (See under League of Nations)	
Naval Armament. Treaty for Limitation of (See under Washington Conference)	
Newfoundland. Representation on International Air Commission (See under Aerial Navigation Convention: International Air Commission).	
New Hebrides. (Treaty Series 1922, No. 7)	182
Norway. Proposed Commercial Agreement with Australia (See also under Territorial Waters)	183
Obscene Publications. International Convention, 1923 (League of Nations Treaty Series, Volume XXVII, pages 215 to 233)	186
Permanent Court of International Justice. (Treaty Series 1923, No. 23) (See under Irish Free State, Ratification of Certain Conventions, and see also Treaty Series 1923, No. 11)	
Persia. Agreement, 1920, Modifying the Commercial Convention of 1903. (Treaty Series 1920, No. 17)	189
Poland. Commercial Treaty 1923. (Treaty Series 1924, No. 26). Most-favoured-nation Clause...	191
Postal Convention, 1920 (Cmd. 1537) Position of Irish Free State	198
Property Rights and Interests. Agreement under Article 297 Treaty of Peace with Germany (Treaty Series 1921, No. 6)	201
Roumania. Commercial Agreement, 1923. (Treaty Series 1923, No. 15)	202
Russia.	
(1) British Relations with Russia	202
(2) Russian Trade Agreement 1921 (Cmd. 1207). Trade Mission to Canada (See also under Territorial Waters)	204
Siam. Revision of Commercial Treaties. Restrictions on Immigration	209
Southern Rhodesia.	
(1) Position in relation to Commercial Treaties	211
(2) Position in relation to Extradition Treaties	213
(3) Position in relation to International Labour Conventions	214

Spain.

Commercial Treaty, 1922. (Treaty Series 1924, No. 21) (See also under Arbitration Agreements.)	215
---	-----

Spitzbergen.

Treaty of 1920 (Treaty Series 1924, No. 18). Mining Regulations	239
---	-----

Sweden.

(See under Territorial Waters)

Tangier Convention. (Treaty Series 1924, No. 23)	242
---	-----

Territorial Waters.

(1) Colombia. Law claiming Twelve-mile Limit	244
(2) Italy. Visits of Foreign Warships	246
(3) Norway. Use of Wireless Apparatus	248
(4) Russia. Attitude on General Question	249
(5) Sweden. Limitation for Customs Purposes	252
(6) United States. Extent of Jurisdiction over Cook Inlet	254
(7) United States. Liquor Treaty (See under United States.)	

Turkey.

(1) Lausanne Conference (Cmd. 1814). Progress of Negotiations	257
(2) Lausanne Conference (Cmd. 2146). Procedure for Signature of Treaties	261
(3) Publication of Correspondence	
(a) Near East Crisis	266
(b) Lausanne Conference	266
(4) Treaties of Lausanne (Cmd. 1929). Ratification	268

United States.

(1) Rush-Bagot Agreement 1817. Proposed Revision	270
(2) Treaty regulating Liquor Traffic (Treaty Series 1924, No. 22)	274
(3) Pacific Halibut Fishery Treaty (Treaty Series 1925, No. 18)	302
(4) Treaty of 1899 relating to Western Samoa (See under Mandates. Western Samoa)	
(5) Renewal of Arbitration Agreement (See under Arbitration Agreements)	

Voting Power of Dominions at International Conferences.

(See under Aerial Navigation Convention, Article 34, Electrical Communications and Postal Convention).

Washington Conference.

Ratification of Treaties negotiated at Conference. (Treaty Series 1924, Nos. 5 and 6)	325
---	-----

Western Samoa.

Preferential Tariff
(See under Mandates)

Women and Children, Traffic in.

International Convention, 1921 (Treaty Series 1923, No. 26)
(See under Irish Free State. Ratification of Certain Conventions)

TABLE OF CONTENTS.

AERIAL NAVIGATION CONVENTION, 1919.

(Treaty Series, 1922, Nos. 2 and 11).

(1) Article 5: Postponement of Application and Amendment of Article.

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
1 The Governor Newfoundland, 161 December 22, 1922 (Rec. Jan. 2, 1923)	States that Ministers concur in the postponement of application of provisions of Article 5 in respect of States mentioned, and desire similar action on behalf of Newfoundland ... 1
2 The Governor-General Commonwealth of Australia Telegram (Extract) January 4 (Rec. Jan. 4)	States that his Government concurs in terms of fresh Protocol, desires signature and subsequent ratification, and nominates High Commissioner to sign ... 1
3 The Governor-General Canada, Telegram January 11 (Rec. Jan. 11)	States that his Government is not prepared to ratify proposed amendment of Article 5 unless assurance can be given that its application will be postponed or derogation granted until a Convention governing flying can be concluded between Canada and the United States ... 1
4 To the Governor Newfoundland, 7 January 13	Transmits copy of a letter to Secretary-General of the International Commission for Aerial Navigation regarding intention of Newfoundland to postpone application of the provisions of Article 5 in respect of certain States ... 2
5 The Governor-General Union of South Africa, Telegram ... January 24 (Rec. Jan. 24)	States that Ministers nominate High Commissioner to sign Protocol providing for amendment of Article 5 ... 2
6 To the Governor-General Canada, Telegram ... February 1	Explains, with reference to No. 3, that Canada's relations with the United States as regards air traffic will not be adversely affected by proposed amendment, and trusts that it will now be accepted by Canadian Government ... 3
7 The Governor-General Canada, Telegram February 15 (Rec. Feb. 16)	States that in view of assurances given in No. 6 Canada is prepared to sign and ratify Protocol ... 3
8 The Governor-General New Zealand, Telegram February 19 (Rec. Feb. 19)	States that his Government agrees to signature and ratification of Protocol ... 3
9 To the Governors-General Canada, New Zealand, Telegram ... February 27	Inquires whom Ministers nominate to sign Protocol ... 4
10 The Governor-General New Zealand, Telegram March 2 (Rec. Mar. 2)	States that his Government nominates High Commissioner to sign Protocol ... 4
11 The Governor-General Canada, Telegram ... March 7 (Rec. Mar. 7)	States that Ministers request that High Commissioner be asked to sign the Protocol on behalf of the Canadian Government ... 4
12 To the Governor-General Union of South Africa, Telegram ... March 24	States, for reason given, that British Chargé d'Affaires, Paris, will be instructed to sign Protocol on behalf of Union Government instead of the High Commissioner ... 4
13 To the Governor-General Union of South Africa, 83 ... April 6	States, with reference to No. 12, that Protocol was signed on behalf of the Union Government on the 28th March ... 5

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
14 To the Governor-General Irish Free State, 407... July 10	Transmits copies of two Command papers containing the texts of the Convention and relative documents. Explains the position with regard to a further Protocol, and presumes that Free State Government will have no objection to its ratification ... 5
15 The Governor-General Irish Free State, 301 October 22 (Rec. Oct. 23)	States that Ministers have no objection to ratification of Protocol providing for the modification of Article 5 of the Convention... 6
(2) Article 5: Applications for Derogations by:—	
(a) Belgium.	
1923	
16 The Governor-General Commonwealth of Australia, Telegram (Extract) January 4 (Rec. Jan. 4.)	States that his Government is prepared to accept Belgian derogation from Article 5 provided His Majesty's Government adopt similar course ... 6
17 The Governor-General New Zealand, Telegram January 10 (Rec. Jan. 10)	States that his Government accepts Belgian derogation from Article 5 ... 7
18 The Governor-General Union of South Africa, Telegram ... January 19 (Rec. Jan. 19)	States that Ministers have no objection to the application of the Belgian Government for derogation from Article 5 of the Convention ... 7
19 To Air Ministry January 26	Transmits copy of No. 18 and discusses question as to which Dominions are included in the term "Contracting States," whose sanction it is necessary to obtain to applications for derogation ... 7
20 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty, 7 February 7	Transmits copy of correspondence with the International Commission for Air Navigation relative to the application of the Belgian Government for derogation from Article 5 of the Convention ... 8
(b) France.	
1923	
21 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... April 14	Inquires whether Ministers accept French derogation from Article 5 of Air Convention ... 9
22 The Governor-General New Zealand, Telegram April 21 (Rec. Apr. 21)	States that his Government accepts French derogation from Article 5 of Air Convention ... 9
23 The Governor-General Canada, Telegram ... April 28 (Rec. Apr. 24)	Ditto ... 9
24 The Governor-General Union of South Africa, Telegram ... April 26 (Rec. Apr. 26)	Ditto ... 10
25 The Governor-General Commonwealth of Australia, Telegram ... May 22 (Rec. May 22)	Ditto ... 10

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
(c) Canada.	
1923	
26 To the Governors-General Commonwealth of Aus- tralia, New Zealand, Union of South Africa, Telegram ... September 28	Inquires whether Ministers accept Canadian derogation from Article 5 of the Convention ... 10
27 The Governor-General New Zealand, Telegram October 3 (Rec. Oct. 3)	States that New Zealand Government is satisfied to leave the matter of Canadian derogation from Article 5 of Air Convention to the decision of His Majesty's Government ... 10
28 The Governor-General Union of South Africa, Telegram ... October 6 (Rec. Oct. 6)	States that Ministers have no objection to Canadian derogation from Article 5 of Air Convention... 11
29 The General-General Commonwealth of Australia, Telegram ... October 12 (Rec. Oct. 12)	Ditto ... 11
(d) Great Britain.	
1923	
30 To the Governors-General, Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Dominions Treaty, 50 ... December 31	Transmits copy of letter from the International Commission for Air Navigation requesting assent of Dominion Governments to the application by His Majesty's Government for a derogation from Article 5 of Convention: states position regarding the grant of derogations from this Article ... 11
(3) Article 25.	
1923	
31 The Governor-General Canada, 657 December 14, 1922 (Rec. Jan. 1, 1923)	Transmits copy of a letter from the Department for External Affairs indicating the action that Canadian Government propose to take regarding the adoption of legislation for giving effect to Article 25 and para- graph 16 of Annex H of Convention ... 12
32 The Governor-General New Zealand, 21 January 28 (Rec. Mar. 8)	States that Ministers will take necessary measures to give effect to provisions of Article 25 and paragraph 16 of Annex H of Convention ... 13
33 The Governor-General Commonwealth of Aus- tralia, 126 ... April 11 (Rec. May 18)	States that Article 25 has been brought into force, and comments as to legislative provision for the control of importation and exportation of goods by air vessels... 13
(4) Article 34: Proposed Amendment.	
1923	
34 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Telegram, Con- fidential ... May 8	Suggests the desirability of supporting amendments to Article 34 of the Convention regarding allocation of votes and apportionment of expenses proposed by Belgium and France respectively, and inquires view of Ministers ... 14
35 The Governor-General New Zealand, Telegram, Confidential ... May 26 (Rec. May 26)	States that his Government is willing to accept French and Belgian amendments as outlined in No. 34 ... 15

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
36 The Governor-General Commonwealth of Aus- tralia, Telegram ... May 26 (Rec. May 26)	States, with reference to No. 34, that his Government concurs in support of Belgian proposal ... 15
37 The Governor-General Union of South Africa, Telegram, Confidential ... May 26 (Rec. May 26)	States, in reply to No. 34, that Ministers have no objection to Belgian proposal, but, as regards French amendment, Union representative has been instructed to confer and act in conjunction with British representative ... 15
38 The Governor-General Canada, Telegram, Con- fidential ... June 9 (Rec. June 9)	States that his Government will not press its views at present regarding French and Belgian proposals in No. 34, but suggests that any amendment adopted should be subject to reconsideration either at fixed date or when number of adhering States reaches fixed number ... 16
39 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Telegram ... October 17	Inquires whether Ministers desire signature and ratifica- tion on their behalf of Protocol embodying amend- ments to Article 34 adopted by the International Com- mission, and, if so, whom they nominate to sign. [To Canada: states that Commission agreed to insert in Minutes a record of the desire of the Canadian Government for the ultimate reconsideration of the amendments.] ... 16
40 To the Governor-General Irish Free State, Con- fidential ... October 19	States, and gives reasons for, proposed amendments to Article 34, and inquires whether Ministers desire that Protocol embodying amendments should, if arrange- ments can be made to this effect, be signed and ratified on their behalf ... 17
41 The Governor-General New Zealand, Telegram October 23 (Rec. Oct. 23)	Desires that Mr. Massey be asked to sign Protocol amending Article 34 on behalf of New Zealand ... 18
42 The Governor-General Union of South Africa, Telegram ... October 24 (Rec. Oct. 24)	Nominates High Commissioner to sign Protocol amending Article 34 on behalf of the Union Government ... 18
43 The Governor-General Canada, Telegram ... October 30 (Rec. Oct. 30)	Nominates High Commissioner to sign Protocol amending Article 34 on behalf of Canadian Government ... 18
44 The Governor-General Commonwealth of Aus- tralia, Telegram November 27 (Rec. Nov. 27)	States that Commonwealth Government desires that Protocol be signed and ratified on its behalf, and nominates General Sir W. Sefton Brancker to sign ... 18
(5) Position of the Irish Free State and Newfoundland.	
1923	
45 Foreign Office ... February 22	Adheres to opinion that only the four signatory Dominions and India possess independent status for purposes of Air Navigation Convention, and that signature on behalf of Great Britain covers all other parts of the Empire including Newfoundland... 18
46 To Foreign Office ... June 29	Discusses views set forth in No. 45 regarding status of Newfoundland for purposes of Air Convention ... 19
47 Foreign Office ... July 25	Offers observations on points raised in No. 46 regarding position of Newfoundland under the Convention, and points out that any claim on behalf of Irish Free State will be seriously compromised by failure of that State to sign Protocol amending Article 5 ... 21

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
48 To Foreign Office ... August 20	Suggests that action as regards Newfoundland be deferred indefinitely and, as regards Irish Free State, until that State becomes a separate member of League of Nations, also that steps be taken for His Majesty's ratification of Protocol amending Article 5 ... 22

AFGHANISTAN.

Trade Convention, 1923.

1923	
49 To the Governors-General and Governor Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions, 299 ... August 10	Transmits copies of Convention ... 23
50 To the Governor-General Irish Free State, 531 September 5	Transmits copies of Convention together with copies of Cmd. 1786, containing text of a Treaty of November, 1922, between British and Afghan Governments ... 23
51 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions, 349, Irish Free State, 554 September [17][14]	Transmits copies of notes exchanged with Afghan Minister in London constituting the exchange of ratifications ... 24
52 To the Governor-General Irish Free State, 788 December 20	States that Afghan Minister, when copies of United Kingdom tariff schedules are handed him, will be informed that the expression "United Kingdom" throughout the Convention includes Northern Ireland but not Irish Free State ... 25

ANTARCTIC.

Future Control.

1923	
53 To the Governor-General New Zealand, Secret February 1	Communicates opinion of Law Officers that transfer of the administration of the Ross Sea Area could not be effected by issue of Letters Patent and encloses draft Order in Council ... 25
54 The Governor-General New Zealand, Secret ... June 4 (Rec. July 10)	Concurs in the decision of His Majesty's Government to create the Ross Sea Area a Dependency with Governor-General of New Zealand as Governor; has no amendment to suggest in draft Order in Council enclosed in No. 53 ... 27

ARBITRATION AGREEMENTS.

- (1) France.
- (2) Italy.
- (3) Spain.
- (4) United States.

1923	
55 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions, 81... March 10	Inquires whether Ministers agree to renewal of Arbitration Agreements with France, Italy, Spain and United States ... 27

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
56 To the Governor-General Irish Free State, 165 March 24	Ditto ... 28
57 The Governor-General Canada, Telegram ... April 3 (Rec. Apr. 3)	States that his Government concurs in renewal of Agreements ... 28
58 The Governor-General Union of South Africa, Telegram ... April 19 (Rec. Apr. 19)	Ditto ... 28
59 The Governor-General Irish Free State, 118 April 27 (Rec. Apr. 28)	Ditto ... 28
60 The Governor Newfoundland ... May 2 (Rec. May 3)	Ditto ... 29
61 The Governor-General New Zealand, Telegram May 11 (Rec. May 11)	Ditto ... 29
62 The Governor-General Commonwealth of Australia, Telegram ... May 25 (Rec. May 25)	Ditto ... 29
63 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions, 845, Irish Free State, 549 September 13	States that renewal for five years of Arbitration Convention with United States of 4th April, 1908, was signed by His Majesty's Ambassador at Washington on 23rd June, and transmits copies of notes exchanged between His Majesty's Ambassador and United States Secretary of State in connexion with the reference of disputes to the Permanent Court of International Justice ... 29
64 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions, 868, Irish Free State, 577 September [26] [25]	Transmits copies of notes exchanged with French Government renewing for five years the Arbitration Agreement of 14th October, 1903, between Great Britain and France ... 31
65 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions, 484, Southern Rhodesia, 64 November 21	Transmits copies of Cmd. 1978 containing notes exchanged, further renewing the Anglo-Italian Arbitration Agreement of 1st February, 1904 ... 32

ARMS TRAFFIC CONVENTION.

1923	
66 To the Governor-General Irish Free State, 579 September 26	Transmits copy of Arms Traffic Convention and relative correspondence explaining that it was signed on behalf of British Empire, but not ratified owing to the attitude of United States Government; gives lists of States which have ratified or acceded to the Convention ... 32

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
67 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 38, Irish Free State 618, Newfoundland, 119 October 24	Transmits copy of despatch from Washington forwarding copies of public announcements made by United States authorities explaining the Government's refusal to participate in ratification of Convention of St. Germain ... 35

AUSTRALIA.

Commercial Treaties affecting: Enquiry from Danish Government.

1923	
68 The Governor-General Commonwealth of Australia, 463 November 25, 1922 (Rec. January 5 1923)	Concurs in terms of proposed note to Danish Minister subject to additional information indicated respecting commercial arrangements between Australia and South Africa and New Zealand ... 37
69 To the Governor-General Commonwealth of Australia, 55 February 5	Transmits copy of note to Danish Chargé d'Affaires explaining position of the Dominions in respect of certain commercial treaties ... 38

AUSTRIA.

Proposed Commercial Treaty.

Interpretation of Clause ensuring most-favoured-nation treatment for Dominions.

1923	
70 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 147 April 28	Transmits, with remarks, draft of proposed Commercial Treaty (and Declaration) with Austria ... 39
71 To the Governor-General Irish Free State, 281... May 14	Ditto ... 40
72 The Governor-General Irish Free State, 155... June 5 (Rec. June 6)	States that, in view of circumstances indicated, his Government does not propose to become a party to Anglo-Austrian Commercial Treaty ... 41
73 The Governor-General New Zealand, 166 ... June 25 (Rec. July 28)	States that Government does not at present think it desirable to adhere to proposed Treaty for reasons indicated ... 41
74 To the Governor-General New Zealand, 186 ... August 18	Transmits copy of note to Austrian Minister stating that New Zealand Government does not desire to become a party to the proposed Treaty ... 41
75 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 408, Irish Free State 642 November [7] [8]	Transmits copies of correspondence with Austrian Chargé d'Affaires relative to the application of Article 23 of the Treaty ... 42
76 To the Governor Southern Rhodesia, 49 November 14	Transmits, with remarks, draft of Commercial Treaty (and Declaration) with Austria, together with correspondence with Austrian Chargé d'Affaires relative to the application of Article 23 thereof ... 43

BRAZIL.

Proposed Commercial Agreement.

1923	
77 Foreign Office ... March 5	Transmits copy of letter from Board of Trade suggesting that Brazilian Government should be approached with a view to a Commercial Agreement; requests early observations with special reference to the position of the United Kingdom <i>vis-à-vis</i> the Dominions and Colonies ... 44
78 The Duke of Devonshire to Sir P. Lloyd-Greame March 23	Submits observations on bearing of question of Imperial Preference of proposed Commercial Treaty with Brazil and its effect on Imperial Economic Conference discussions ... 46
79 Sir P. Lloyd-Greame to the Duke of Devonshire Confidential ... March 26	Submits remarks upon proposed concessions to Brazil, and the improbability of the concessions prejudicing any Imperial Conference recommendations ... 48
80 The Duke of Devonshire to Sir P. Lloyd-Greame April 9	Suggests, in reply to No. 79, that the matter be discussed with Sir J. Tilley before a final decision is taken ... 48
81 Foreign Office ... June 12	Transmits copy of telegram to His Majesty's Chargé d'Affaires at Rio de Janeiro stating that His Majesty's Government is prepared to conclude a reciprocal most-favoured-nation agreement, and conveying instructions in the matter ... 49

CANADA.

(1) Commercial Treaties applying to Canada.

1923	
82 The Governor-General Canada, 348 ... June 30 (Rec. July 13)	Requests a copy of an up-to-date list showing those treaties relating to Commerce and Navigation between Great Britain and Foreign Powers which apply to Canada ... 50
83 To the Governor-General Canada, 404 ... August 29	Transmits, with observations, list asked for in No. 82 ... 50

(2) Procedure for Issue of Full Powers to Canadian Plenipotentiaries.

1923	
84 Mr. W. S. Fielding to Sir J. Masterton Smith Confidential ... January 22	Inquires as to procedure followed in issuing Full Powers to negotiate Franco-Canadian and Italo-Canadian Treaties ... 53
85 Sir J. Masterton Smith to Mr. W. S. Fielding Confidential ... February 19	Details procedure as requested in No. 84 ... 53

CUSTOMS TARIFFS: INTERNATIONAL CONVENTION FOR THE PUBLICATION OF.

Position of the Irish Free State.

1923	
86 To the Governor-General Irish Free State, 343... June 7	Suggests for consideration of Ministers that, in order to obtain a large supply of Bulletins issued by the International Customs Tariffs Bureau at Brussels, Irish Free State Government should adhere to Convention of 1890 ... 54

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
87 The Governor-General Irish Free State, 246 ... August 24 (Rec. Aug. 25)	Asks what amount of subscription would be payable by Irish Free State in the event of its adherence to the Convention ... 54
88 To the Governor-General Irish Free State, 553 September 14	Explains reasons for temporary increase in rate of subscription to the Convention, and states that inquiries are being made as to amount which would be payable by Irish Free State ... 55
89 To the Governor-General Irish Free State, 623 October 25	States that Ministers may choose the trade category in which Free State should be placed; indicates annual subscription payable and also rates of initial expenses 55
90 The Governor-General Irish Free State, 355 December 17 (Rec. Dec. 18)	States that Ministers do not propose to adhere to the Convention at present ... 58

CZECHOSLOVAKIA.

(1) Commercial Treaty.

1923	
91 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 230, Irish Free State, 455 ... July 31 August 1	Transmits copies of an extract from <i>Board of Trade Journal</i> containing the text of Treaty together with copies of notes exchanged with Czechoslovak Minister arranging to bring Treaty provisionally into force on 1st September, pending exchange of ratifications ... 58
92 The Governor-General Irish Free State, 249 ... August 29 (Rec. Aug. 31)	States that it does not appear necessary for Saorstad to adopt stipulations of Treaty until effect thereof has been examined, and inquires as to how quota of goods allocated to Saorstad is being determined ... 59
93 To the Governor-General Irish Free State, 559 September 17	Transmits copy of Declaration embodying arrangement agreed upon with regard to importation of goods into Czechoslovakia subject to licence ... 60
94 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 390 October 20	Ditto ... 61
95 To the Governor Southern Rhodesia, 55 November 19	Transmits copy of note from Czechoslovak Minister inquiring as to which Dominions, Colonies and Protectorates accord to Czechoslovak goods treatment as favourable as that accorded to goods produced or manufactured in any other foreign country, together with copies of text of Treaty and of Declaration ... 61
96 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 427, Irish Free State 672 November [19] [20]	Transmits copy of Note from Czechoslovak Minister inquiring as to which Dominions, Colonies and Protectorates accord to Czechoslovak goods treatment as favourable as that accorded to goods produced or manufactured in any other foreign country ... 62
97 The Governor-General Commonwealth of Australia, 378 ... November 26 (Rec. Dec. 31)	States that Ministers do not consider it desirable that Commonwealth should become a party to the Treaty 62

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
98 The Governor-General Canada, 616 ... December 19 (Rec. Dec. 31)	Transmits, with reference to No. 96, copy of a Department of Customs and Excise Memorandum containing a list of countries accorded most-favoured-nation treatment by Canada, and points out that Czechoslovakia is not in this list ... 63
99 The Governor-General Irish Free State, 364 December 24 (Rec. Dec. 31)	States that, so far as Customs duties are concerned, goods from Czechoslovakia are treated similarly to goods from any other foreign country ... 64

(2) Agreement on Commercial Travellers' Samples.

1923	
100 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions, 151 ... May 2	Transmits copy of note from Czechoslovak Chargé d'Affaires stating that his Government is anxious that the Agreement regarding Commercial Travellers' Samples might become operative in all parts of the British Empire, and requests Ministers' views ... 65
101 To the Governor-General Irish Free State, 310 ... May 24	Transmits copies of an extract from <i>Board of Trade Journal</i> and a note from the Czechoslovak Chargé d'Affaires regarding the Agreement, and inquires whether it is desired that Agreement be extended to Irish Free State ... 65
102 The Governor-General Irish Free State, 169 ... June 13 (Rec. June 14)	Agrees to extension of Agreement to Irish Free State 66
103 The Governor-General Union of South Africa, 334 ... June 23 (Rec. July 17)	Transmits copy of Ministers' Minute expressing willingness to become party to the Agreement under certain conditions, and enclosing copy of Regulations relating to treatment of travellers' samples ... 66
104 The Governor-General New Zealand, 171 ... June 27 (Rec. Aug. 13)	States that Government of New Zealand would be glad if arrangements could be made for extension of Agreement to New Zealand ... 67
105 The Governor Newfoundland, 71 ... August 13 (Rec. Aug. 27)	States that Ministers have no objection to extension of Agreement to Newfoundland presuming that conditions now in force would be satisfactory to Czechoslovak Republic ... 67
106 The Governor-General Commonwealth of Australia, 245 ... July 31 (Rec. Sept. 8)	States that it is not at present desired that arrangements be made for extension of Agreement to Australia ... 68
107 To the Governor Southern Rhodesia, 16 October 13	Transmits copy of Agreement and inquires whether Ministers desire its extension to Southern Rhodesia 68
108 To the Governor-General Union of South Africa, 305 ... November 20	Transmits copy of correspondence with the Czechoslovak Minister in London embodying No. 103, and states that accession to Agreement of self-governing Dominions will be made effective shortly ... 68

ELECTRICAL COMMUNICATIONS.

Proposed International Convention. Voting Power of Dominions.

1923	
109 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions, 239 ... July 4	Submits, for consideration, certain draft Articles of the Convention, as revised, relating to votes and accessions ... 70

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
110 The Governor-General Canada, 426 ... August 15 (Rec. Aug. 27)	Concurs in the proposed revision set forth in No 109 72
111 The Deputy Governor-General Union of South Africa, 441 ... August 21 (Rec. Sept. 11)	Ditto ... 72
112 To the Governor-General Irish Free State, 635 November 5	Explains origin of the Convention, and encloses relative papers; submits draft Articles, as revised, relating to votes and accessions, and states that draft Convention and Regulations are to be considered by a World Conference on Electrical Communications at which the Free State will be invited to be represented ... 73

EXTRADITION TREATIES.

Belgium.

1923	
113 To the Governors General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 440, Irish Free State, 676, Southern Rhodesia, 71 November [22] [23]	Transmits copies of a Convention and a draft Order in Council governing extradition between certain British Protectorates and the Belgian Congo ... 74

FINLAND.

Proposed Tonnage Measurement Agreement.

1923	
114 To the Governor-General Irish Free State, 21 January 12	Transmits copy of draft Tonnage Measurement Agreement with Finland and proposes to add the Irish Free State to the clause providing for separate termination of the Agreement ... 74
115 The Governor-General Canada, 18 ... January 12 (Rec. Jan. 29)	States that Government concur in proposed Agreement 75
116 To the Governors General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, and Newfoundland, Dominions 354, Irish Free State, 565 September [22] [21]	Transmits copy of revised draft of proposed Tonnage Measurement Agreement, and inquires whether Ministers concur in the terms therein as revised ... 75
117 The Governor-General Irish Free State, 290 October 11 (Rec. Oct. 12)	States that Ministers accept the revised draft Agreement 76
118 The Governor-General Union of South Africa, Telegram ... November 8 (Rec. Nov. 8)	Ditto ... 76

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
119 The Governor-General Canada, Telegram November 21 (Rec. Nov. 21)	Ditto ... 76
120 The Governor-General New Zealand, Telegram ... December 22 (Rec. Dec. 22)	Ditto ... 76
121 The Governor Newfoundland, Telegram December 29 (Rec. Dec. 29)	Ditto ... 77

FOREIGN AFFAIRS.

1923

122 Colonial Office ... June 22	Note on the present procedure as regards communication with Governments of the self-governing Dominions on foreign affairs ... 77
---------------------------------	---

FRANCE.

(1) Anglo-French Relations.

1923	
123 The Governor-General Union of South Africa, Telegram, Secret ... March 29 (Rec. Mar. 29)	Transmits message for Prime Minister from General Smuts expressing concern at the international situation and urging a complete revision of British foreign policy ... 78
124 To the Governor-General Union of South Africa, Telegram, Secret ... April 18	Transmits message for General Smuts from Prime Minister explaining that the British Government have failed to see any course open other than the one adopted ... 80
125 The Governor-General Union of South Africa, Telegram, Secret ... July 7 (Rec. July 7)	Transmits message from Prime Minister for Prime Minister stating views on the serious Anglo-French situation and suggesting certain lines of procedure ... 81
126 To the Governor-General Union of South Africa, Telegram, Secret ... July 17	Transmits message from Prime Minister for Prime Minister stating that suggestions put forward in No. 125 have been carefully considered, and that reply to German Government is being drafted and will be submitted to Allied Governments as soon as possible, further action depending on their reception of the same ... 82
127 The Governor-General Union of South Africa, Telegram, Secret ... August 4 (Rec. August 4)	Transmits message from Prime Minister for Prime Minister remarking on gravity of situation and urging adoption of a course on the lines indicated in No. 125 83

(2) Commercial Convention with Canada.

1923

128 The High Commissioner for Canada ... February 6	Reports that the Franco-Canadian Commercial Agreement has been submitted to Canadian House of Commons and may now be published ... 83
129 The High Commissioner for Canada ... June 15	Quotes cablegram from Minister of Finance, Canada, stating that Acts confirming French and Italian Treaties have received Royal Assent ... 83

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
190 The Governor-General Canada, 332 ... June 23 (Rec. July 4)	Transmits three certified copies of the Acts of Parliament approving Commercial Treaties between Canada and Italy and Canada and France, and requests that the necessary steps may be taken to effect ratification ... 84
181 The Governor-General Canada, Telegram ... August 6 (Rec. Aug. 6)	Inquires as to arrangements being made for ratification of Treaties ... 84
132 To the Foreign Office August 9	Transmits copy of No. 130 and requests that steps be taken for ratification of the Treaties; observes that before ratification it should be made clear that Articles 17, 23, 24 and 25 of the Convention with France apply on the British side only to Canada ... 84
133 To the Governor-General Canada, 377 ... August 9	States that the Secretary of State for Foreign Affairs has been requested to take steps to effect ratification of Treaties, and encloses copy of a report regarding the Bill for ratification of Convention with France ... 85
184 To the Governor-General Canada, Telegram ... August 13	States that French law authorizing President of the Republic to ratify Franco-Canadian Treaty has been passed, but that no information has been received regarding intentions of Italian Government; states that inquiry will be made ... 85
135 Foreign Office September 8	Reports on the present position as regards exchange of ratifications, and states that Secretary of State is advised that the Articles specified in No. 132 can only be held to apply to Canada on the British side, and that consequently the proposed Declaration to this effect need not be made ... 85
186 The Governor-General Canada, Telegram September 11 (Rec. September 11)	Requests early official confirmation of reported ratification of Treaty ... 86
137 To the Governor-General Canada, Telegram September 13	Reports exchange of ratifications on 5th September ... 86
138 To the Governor-General Canada, 466 ... September 22	Transmits copy of a despatch from His Majesty's Ambassador at Paris reporting exchange of ratifications of the Commercial Convention between France and Canada ... 86

(3) Commercial Relations with Irish Free State.

1923	
189 To the Governor-General Irish Free State, 632 ... October 31	Transmits copy of despatch from His Majesty's Ambassador, Paris, stating that Irish Free State goods will on their importation into France receive benefit of French minimum tariff ... 87

(4) Convention relating to Legal Proceedings in Civil and Commercial Matters.

1923	
140 To the Governor-General Union of South Africa, 28 January 20	Encloses, with observations, copies of Rules of Supreme Court issued in connexion with the Convention, and inquires whether Ministers desire to accede, and as to the person to whom application for service should be addressed ... 88

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
141 To the Governor Newfoundland, 39 ... March 3	Transmits copies of Notes exchanged between the Secretary of State for Foreign Affairs and French Ambassador regarding the arrangements for extension of the Convention to Newfoundland and which constitute a formal record ... 88
142 The Governor-General Union of South Africa 206 ... May 3 (Rec. May 22)	Transmits copy of Minute from Ministers stating that the Chief Justice and Judges of the Supreme Court are being consulted regarding the Convention ... 90
143 The Governor-General Union of South Africa 427 ... August 14 (Rec. September 3)	Transmits Ministers' Minute stating that it is considered unnecessary at present to apply provisions of Convention to Union ... 90
144 The Governor-General Commonwealth of Australia, 344 ... October 26 (Rec. Dec. 3)	Desires Convention to be extended to Australia, Papua, Norfolk Island, and, if practicable, to the mandated Territory of New Guinea ... 91

FREEDOM OF TRANSIT.

(1) Declaration as to Flags of Inland States.

1923	
145 To the Governors-General Canada, Commonwealth of Australia, Union of South Africa, New Zealand, Dominions Treaty 19 ... May 8	Transmits copies of correspondence with the League of Nations arising out of the accession of the Dominions to the Barcelona Declaration of 20th April, 1921; considers 31st October, 1922, as most convenient date from which accession should take effect, and requests concurrence in proposed reply to the League ... 91
146 The Governor-General Canada, 275 ... May 29 (Rec. June 8)	Concurs in the Secretary-General, League of Nations, being informed in accordance with the provisions of No. 145 ... 93
147 The Governor-General Union of South Africa, 335 ... June 23 (Rec. July 17)	Ditto ... 93
148 The Governor-General New Zealand, 201 ... July 31 (Rec. September 10)	States that Ministers agree to 31st October as effective date of accession to the Treaty ... 94
149 The Governor-General Commonwealth of Australia, 331 ... October 10 (Rec. Dec. 3)	Concurs in suggestion regarding the date on which accession should be regarded as taking effect, and agrees to Secretary-General, League of Nations, being informed accordingly ... 94

(2) Second General Conference, 1923.

1923	
150 The Governor-General Union of South Africa, Telegram ... September 28 (Rec. Sept. 28)	States that Union Government is not sending delegate to Conference, but desires that chief delegate from the United Kingdom may watch position on behalf of Union, although he should not negotiate or sign any Conventions ... 95

Serial No., From or to whom,
Despatch No., &c., and Date.

Subject and Page No.

INDUSTRIAL PROPERTY CONVENTION.

(1) Registration of Canadian Trade Marks in Cuba.

Position of British Subjects and companies.

1923

- 151 Foreign Office ... January 1 Transmits copy of a despatch from Havana reporting that Cuban Government now refuses to register Canadian trade-marks on the ground that Canada is not a party to the International Convention, and conveying suggestion that Canadian Government should make an official Declaration accepting Cuban trade-marks ... 95
- 152 To Foreign Office January 20 Explains position of Canada with regard to the International Convention of 1883, and asks for specific information regarding the refusal of Cuban Government to register Canadian trade-marks ... 96
- 153 To the Governor-General Canada, 171 ... April 14 States position as shown in Nos. 151 and 152, and inquires whether Canadian Government can furnish an authoritative statement as required by the Cuban Trade-Marks Office that Canada grants reciprocal privileges to Cuban citizens ... 97
- 154 To Foreign Office ... April 19 Transmits copy of despatch from Havana reporting that a trade-mark owned by Messrs. A. M. Smith of Halifax has been registered, and stating that this appears to create a precedent ... 98
- 155 Foreign Office ... April 25 Transmits copy of despatch from Havana stating that Cuban authorities will in future register all trade-marks of Canadian origin as a certificate has been issued by Canadian Registrar to the effect that Cuban trade-marks are accepted in Canada ... 99
- 156 The Governor-General Canada, 246 ... May 9 (Rec. May 21) Transmits copy of a despatch to Havana setting forth the practice regarding the registration of trade-marks in Canada ... 99

(2) Accession of Canada.

1923

- 157 The Governor-General Canada, 37 ... January 24 (Rec. Feb. 5) Transmits copies of a Privy Council Minute forwarding copies of the Patent Act, and of two Bills about to be introduced, and recommending the submission to His Majesty's Government of a request for the necessary action to be taken to declare adhesion of Canada to the Convention ... 100
- 158 To the Governor-General Canada, Telegram ... April 19 Asks to be informed as soon as Bills referred to in No. 157 are enacted and brought into operation; suggests certain amendments to Trade-Marks Bill ... 101
- 159 The Governor-General Canada, Telegram ... May 19 (Rec. May 19) States that Trade-Marks Bill has been amended as suggested, and that as soon as amending legislation is enacted copies will be forwarded ... 101
- 160 The Governor-General Canada, 368 ... July 13 (Rec. July 23) Transmits copy of letter from Department of External Affairs forwarding copies of amending legislation, and containing observations as to the amount of Canada's contribution to the expenses of the International Office ... 102
- 161 To the Governor-General Canada, 389 ... August 17 Transmits copy of despatch to His Majesty's Minister at Berne asking that the Swiss Government be notified of the accession of Canada to the Convention ... 103
- 162 His Majesty's Minister at Berne to the Foreign Office, 126 ... September 8 (Rec. in Colonial Office Sept. 14) Transmits copy of note from Swiss Government enclosing a circular distributed to Governments of States who are members of the Convention, and suggests that the attention of Commonwealth Government should be called to position arising from their non-adherence ... 103

Serial No., From or to whom,
Despatch No., &c., and Date.

Subject and Page No.

1923

- 163 To the Governor-General Canada, 467 ... September 24 Transmits copy of No. 162 ... 105
- 164 To the Governor-General Commonwealth of Australia, 379 ... October 4 Transmits copy of a note from Swiss Government drawing attention to fact that Australia has not yet adhered to the Convention ... 105
- 165 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 392 ... October 26 Transmits copy of an Extract from *London Gazette* of 12th October containing the Patents Designs and Trade-Marks (Canada) Order, 1923 ... 105

INTERNATIONAL LABOUR CONFERENCE.

(1) Amendment of Article 393: Treaty of Versailles.

1923

- 166 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... March 15 Summarizes proposed amendment to Article 393 of Treaty of Versailles, and inquires whether Ministers concur in ratification on their behalf ... 106
- 167 The Governor-General Canada, Telegram ... March 22 (Rec. Mar. 23) States, in reply to No. 166, that his Government concur in ratification on their behalf ... 107
- 168 The Governor-General Union of South Africa, Telegram ... March 28 (Rec. Mar. 28) States, in reply to No. 166, that Ministers support amendment and ask that His Majesty may ratify on behalf of the Union ... 107
- 169 The Governor-General New Zealand, Telegram April 20 (Rec. Apr. 20) States, in reply to No. 166, that his Government desires ratification on its behalf; if special separate ratification by New Zealand is required the High Commissioner will be instructed to execute ... 107
- 170 The Governor-General Commonwealth of Australia, Telegram ... April 20 (Rec. Apr. 20) States that Commonwealth Government is prepared to accept proposed amendment of Article 393, and desires ratification on its behalf ... 107
- 171 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... June 25 Proposes that Protocol embodying amendment drawn up by French Government should be signed on behalf of His Majesty's Government, and inquires whether Ministers desire signature on their behalf, and, if so, whom they nominate to sign ... 108
- 172 To the Governor-General New Zealand, Telegram June 25 Refers to No. 169, and states that it is presumed that Ministers would desire High Commissioner to sign Protocol on their behalf ... 108
- 173 The Governor-General New Zealand, Telegram June 28 (Rec. June 28) Requests that Protocol be signed on behalf of New Zealand by the representative of His Majesty's Government ... 108
- 174 The Governor-General Union of South Africa, Telegram ... July 12 (Rec. July 13) Nominates High Commissioner in London to sign Protocol on behalf of Union Government ... 109
- 175 The Governor-General Canada, Telegram ... July 31 (Rec. July 31) States that the Honourable R. Dandurand has been nominated to sign Protocol amending Article No. 393 of Treaty of Versailles on behalf of Canada ... 109

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
176 To the Governor-General New Zealand, Telegram August 7	States that Protocol will probably not be signed on behalf of United Kingdom until meeting of Assembly in September; enquires whether Ministers would prefer their representative to sign on behalf of New Zealand 109
177 The Governor-General Canada, Telegram ... August 9 (Rec. Aug. 9)	States, for reason given, that Mons. P. Roy has been substituted for Mr. Dandurand to sign Protocol on behalf of Canada ... 109
178 To the Governor-General Commonwealth of Australia, Telegram ... August 13	Requests early reply to No. 171 ... 110
179 The Governor-General Telegram New Zealand, August 16 (Rec. Aug. 16)	States that, in altered circumstances, New Zealand Government prefers that Protocol should be signed by High Commissioner ... 110
180 The Governor-General Commonwealth of Australia, Telegram ... August 17 (Rec. Aug. 16)	Nominates Sir J. Cook to sign Protocol on behalf of the Commonwealth of Australia ... 110
181 To the Governor-General Irish Free State, 695 December 6	Transmits copy of the text of an amendment to Article 393; indicates its general effect and states that His Majesty has ratified the amendment as embodied in a Protocol on behalf of the Empire, including the Irish Free State ... 110
182 The Governor-General Irish Free State, 862 December 22 (Rec. Dec. 27)	Hopes it will be made clear that ratification of Protocol has not been made by Irish Free State ... 111

INTERNATIONAL REFRIGERATION CONVENTION, 1920.

1923	
183 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 6 ... February 7	Notifies deposit of the King's ratification of the Convention ... 111

INTERNATIONAL SANITARY CONVENTION, 1912.

1923	
184 The Governor-General Commonwealth of Australia, 69 ... February 27 (Rec. Apr. 9)	States that his Government now notifies its adherence to the Convention with reservation specified ... 112
185 To the Governor-General Commonwealth of Australia, 182 ... May 8	Transmits copy of despatch to His Majesty's Ambassador at Paris notifying modification of proposed Australian reservation, and asking that French Government be moved to record the accession ... 112

INTERNATIONAL TELEGRAPH CONVENTION.

Adhesion of Irish Free State.

1923	
186 The Governor-General Irish Free State, 291 ... October 12 (Rec. Oct. 13)	Asks that the adhesion of the Irish Free State to the Universal Telegraph Convention may be notified to the Government of Portugal, and gives necessary particulars ... 113

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
187 To the Governor-General Irish Free State, 636 November 5	States that action has been taken as desired in No. 186 114
188 To the Governor-General Irish Free State, 701 December 7	Transmits copy of correspondence with His Majesty's Minister at Lisbon regarding accession of Irish Free State to the Convention ... 114

INTERNATIONAL VETERINARY BUREAU.

Proposed International Convention.

1923	
189 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 4 ... January 3	Transmits copy of note from French Ambassador containing views of French Government on bearing of Article 24 of League of Nations Covenant on status of proposed International Veterinary Bureau, and outlines proposed reply ... 115
190 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 102 ... March 19	Transmits copy of a note from French Minister for Foreign Affairs reporting decision of the French Government to adhere to the Bureau ... 116
191 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 274 ... July 25	Transmits copies of a note from French Ambassador proposing certain alterations in text of the Convention and the reply thereto, stating that there is no objection to such alterations ... 116
192 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 289 ... August 7	Transmits copy of a note to French Ambassador conveying views of His Majesty's Government on the subordination of the Bureau to the League of Nations 117
193 The Governor-General New Zealand, 292 ... October 27 (Rec. Dec. 4)	Transmits copy of memorandum from Acting Prime Minister stating that in June last New Zealand Government intimated to French Government its willingness to adhere to proposed Bureau ... 118
194 The Governor-General Union of South Africa, Telegram ... December 4 (Rec. Dec. 4)	Inquires whether Governments of Australia and New Zealand have decided to participate in proposed Bureau ... 119
195 To the Governor-General Union of South Africa, Telegram ... December 7	States, in reply to No. 194, that no reply has been received from Australia, and that New Zealand has decided to adhere with inscription in 6th category... 119

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
--	----------------------

IRISH FREE STATE.

(1) Communications on International Affairs.

1923

196 To the Governor-General Irish Free State, 80 February 15	States that, while His Majesty's Government are at present continuing to act on the understanding arrived at between Mr. Churchill and the late Mr. Griffith regarding communications with the Irish Free State on international affairs, they are ready to arrange, when desired, for the necessary facilities to deal with such communications ... 119
197 The Governor-General Irish Free State, 89 ... April 12 (Rec. Apr. 13)	States that Ministers consider it advisable to continue provisionally the understanding arrived at between the late President Griffith and Mr. Churchill regarding communications on international affairs ... 120
198 To the Governor-General Irish Free State, Secret July 16	Transmits copies of certain Foreign Office papers dealing with present international situation, and copies of telegrams to Dominion Governments on the Near East situation ... 120
199 To the Governor-General Irish Free State, Secret July 19	States that arrangements have been completed for periodical transmission of copies of all Foreign Office documents and Colonial Office telegrams as are sent to other self-governing Dominions on the subject of Foreign Affairs ... 121

(2) Ratification of Certain Conventions.

1923

200 Foreign Office ... November 20	Transmits copy of letter from Assistant Legal Adviser enclosing copy of letter from the Secretary-General, League of Nations, inquiring as to position of Irish Free State in connexion with ratification of certain Conventions and Protocols and amendments to Covenant of League of Nations ... 121
201 To Foreign Office December 17	Suggests reply to be sent to inquiries raised in No. 200 123

ITALY.

(1) Commercial Treaty with Canada.

1923

202 To the Governor-General Canada, 21 ... January 13	Transmits copies of Italo-Canadian Commercial Treaty 124
203 The High Commissioner for Canada ... February 7	States that Italo-Canadian Commercial Treaty was submitted to Canadian Parliament on 6th February, and may now be made public ... 124
204 To the Governor-General Canada, 79 ... February 13	Transmits copy of a note from Italian Ambassador stating that Italian Government are making arrangements with a view to early ratification of Treaty ... 124
205 To the Governor-General Canada, 446 ... September 18	Transmits copy of a note from Italian Ambassador stating that Italo-Canadian Commercial Convention is shortly to be put into execution in Italy by means of a Decree-law ... 125
206 To the Governor-General Canada, 525 ... November 1	Transmits copy of despatch from His Majesty's Ambassador at Rome reporting that Italian Parliament will reassemble at the end of November when Commercial Treaties with Switzerland, Austria and Canada will be discussed ... 126

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
--	----------------------

1923

207 To the Governor-General Canada, 546 ... November 14	Transmits copy of despatch from His Majesty's Ambassador at Rome enclosing a copy of a Royal Decree giving full execution to Italo-Canadian Convention ... 126
208 To the Governor-General Canada, 574 ... December 12	Transmits copy of despatch from His Majesty's Ambassador at Rome stating that the Bill converting into law the Decree rendering the Treaty executive has been passed ... 127

(2) Italo-Greek Crisis, September, 1923.

1923

209 The Governor-General Commonwealth of Australia, Telegram September 3 (Rec. Sept. 3)	Transmits message from Prime Minister stating the terms in which Commonwealth representative at Geneva has been instructed to act with regard to present position of Italy and Greece; states that Australia is strongly in favour of dispute being left in hands of League of Nations ... 128
210 To the Governor-General Commonwealth of Australia, Telegram September 4	Transmits message for Prime Minister stating that message contained in No. 200 received with much interest, and drawing attention to instructions given to Lord Robert Cecil by British Government ... 128

JAPAN.

(1) Agreement regarding Loadlines.

1923

211 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 120 ... March 28	Transmits copy of draft Anglo-Japanese Loadline Agreement ... 129
---	---

(2) Agreement regarding Tonnage Measurement.

1923

212 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 48, Confidential ... February 12	Transmits copy of Anglo-Japanese Tonnage Measurement Agreement together with copies of notes exchanged ... 130
213 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 302 ... August 11	Transmits copies of notes exchanged with Japanese Ambassador with regard to abrogating the Anglo-Japanese Tonnage Measurement Agreement ... 131

* Serial No., From or to whom,
Despatch No., &c., and Date.

Subject and Page No.

LATVIA.

Commercial Treaty.

1923

- 214 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 245, Irish Free State, 413 ... July 7
Transmits copies of an extract from *Board of Trade Journal* containing the text of the Treaty ... 133
- 215 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 415, Irish Free State, 650 ... November 13
States that instruments of ratification were exchanged with Latvian Minister on 5th November, 1923 ... 134
- 216 The Governor-General Commonwealth of Australia, 367 ... November 19 (Rec. Dec. 31)
States that it is not considered desirable that Commonwealth Government should adhere to the Treaty ... 134

LEAGUE OF NATIONS.

(1) Ratification of Amendments to Covenant.

1923

- 217 To the Governor Newfoundland, 15 ... January 25
Notifies deposit of ratification of the Protocol amending Article 6 of League of Nations Covenant ... 134
- 218 To the Governor Newfoundland, 43 ... March 9
Notifies deposit of ratification of amendments to Articles 4, 13, 15 and 26 of the Covenant on 3rd February; encloses League's letter recording ratification, and quotes text of amendments ... 135
- 219 To the Governor Newfoundland, 87 ... July 26
Notifies deposit of ratification of the Protocol amending Article 12 of League of Nations Covenant, and quotes Article as amended ... 136

(2) Proposed Amendment of Article 10.

1923

- 220 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram ... May 18
States that it is proposed to postpone reply regarding amendments to Article 10 suggested by Secretary-General pending consultation with Dominion Governments, and inquires whether Ministers concur in suggestion that matter be discussed in London by Dominion representatives prior to the opening of the Assembly ... 137
- 221 The Governor-General Union of South Africa, Telegram ... May 30 (Rec. May 30)
Nominates High Commissioner as representative in event of meeting proposed in No. 220 taking place... 137
- 222 The Governor-General Commonwealth of Australia, Telegram ... June 2 (Rec. June 2)
Ditto ... 138

Serial No., From or to whom,
Despatch No., &c., and Date.

Subject and Page No.

1923

- 223 The Governor-General New Zealand, Telegram June 8 (Rec. June 8)
Nominates High Commissioner as representative in event of meeting proposed in No. 220 taking place... 138
- 224 The Governor-General Canada, Telegram ... June 15 (Rec. June 16)
Concurs in suggestion made in No. 220, and states that arrangements will be made for Canadian representatives to attend preliminary meeting in London ... 138
- 225 The Governor-General Canada, Telegram ... August 20 (Rec. Aug. 20)
States that, as Canadian delegates do not leave Canada until 25th August, they will be unable to take part in proposed discussion on the date indicated ... 138

(3) Amendment of Article 16.

1923

- 226 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... April 27
Inquires whether Ministers agree to signature and ratification on their behalf of Protocols embodying second, third, and fourth amendments to Article 16 of League of Nations Covenant and, if so, whom they nominate to sign ... 139
- 227 The Governor-General Union of South Africa, Telegram ... May 14
States that Ministers agree to signature of Protocols, and have instructed the High Commissioner to sign on behalf of the Union ... 140
- 228 The Governor-General Commonwealth of Australia, Telegram, Confidential... ... May 15 (Rec. May 15)
States that his Government agrees to signature and ratification of Protocols, and nominates British representative on League of Nations Council to sign ... 140
- 229 To the Governor-General Commonwealth of Australia, Telegram ... May 15
States that suggestion in Governor-General's telegram of 6th September, 1922, has been noted with a view to point being raised at next Assembly ... 140
- 230 The Governor-General New Zealand, Telegram May 16 (Rec. May 16)
States that his Government agrees to signature and ratification of Protocol embodying the second, third, and fourth amendments of Article 16 of the Covenant, and nominates the High Commissioner to sign ... 140
- 231 To the Governors-General Canada, Commonwealth of Australia, New Zealand, and the Union of South Africa, Dominions Treaty 26 ... July 23
States that it is proposed to defer ratification of amendments to Article 16 of League of Nations Covenant until after the next Assembly, which will have to consider a further amendment, and eventually to incorporate all amendments to Article 16 into one ratification ... 140
- 232 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... August 2
Embodies revised text of paragraph 1 of Article 16, for consideration of Ministers, with a view to its being supported by all British members of the League at the forthcoming Assembly ... 141
- 233 To the Governor-General Canada, Telegram ... August 8
Requests reply to No. 226. States that other Dominions have expressed agreement and that question of signature of Protocols referred to is not affected by proposals in No. 231 ... 142
- 234 The Governor-General New Zealand, Telegram August 11 (Rec. Aug. 11)
States that Government concurs in revised text of paragraph 1 of Article 16 as given in No. 232 ... 142
- 235 The Governor-General Commonwealth of Australia, Telegram ... August 15 (Rec. Aug. 15)
States that Australian delegation has been instructed to support text of paragraph 1 of Article 16 as quoted in No. 232 ... 142

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
236 To the Governor-General Irish Free State, Confidential ... August 20	Transmits copy of a memorandum regarding proposed amendment of first paragraph of Article 16, together with a copy of the Report of the Inter-Departmental Committee mentioned therein; explains position generally with regard to amendments of Article 16... 142
237 To the Governor-General Union of South Africa, Telegram ... November 12	Considers that all four amendments adopted by 1921 Assembly should now be ratified, and inquires whether Ministers agree to ratification on their behalf 143
238 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Telegram November 12	Ditto ... 143
239 The Governor-General New Zealand, Telegram November 16 (Rec. Nov. 16)	States that Ministers agree to ratification, and nominate High Commissioner to sign on their behalf ... 144
240 The Governor-General Union of South Africa, Telegram ... November 21 (Rec. Nov. 21)	States that Ministers agree to ratification of amendment to Article 16 ... 144
241 The Governor-General Canada, Telegram November 21 (Rec. Nov. 21)	States that Canadian Government agrees to ratification of Protocols, and nominates Mr. Pacaud to sign ... 144
242 To the Governor-General Irish Free State, Confidential ... December 3	Considers that all four amendments adopted by 1921 Assembly should now be ratified, and inquires whether Ministers agree to signature and ratification on their behalf and, if so, whom they nominate to sign ... 144
243 The Governor-General Commonwealth of Australia, Telegram December 6 (Rec. Dec. 6)	States that Commonwealth Government agrees to signature and ratification of Protocol embodying first amendment and nominates British representative on Council of League of Nations to sign on behalf of Commonwealth ... 145

(4) Reduction of Armaments—Proposed Treaty of Mutual Guarantee.

1923	
244 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram, Secret April 14	Gives gist of instructions to British representatives on League of Nations Permanent Advisory Commission on Armaments prior to discussion of draft Treaty of Mutual Guarantee prepared by Lord Robert Cecil ... 146
245 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram, Secret May 23	Notifies general conclusion reached by Advisory Commission with regard to the draft Treaty of Mutual Guarantee ... 146

(5) Protocol concerning Arbitration Clauses in Commercial Contracts.

1923	
246 To the Governors Newfoundland, 129, Southern Rhodesia, 53 November 16	Transmits copy of letter from League of Nations forwarding copy of Protocol concerning Arbitration Clauses, which was opened at Geneva for signature by all States on 24th September, 1923 ... 146

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
(6) Customs Formalities Convention.	
1923	
247 To the Governors Newfoundland, 139, Southern Rhodesia, 102 December [7] [6]	Transmits copy of the Convention together with relative documents, and inquires as to the wishes of the Governments with regard to signature and ratification 147

MANDATES.

(1) Attitude of the United States Government.

(a) "B" Mandates.

1923	
248 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 46, Confidential December 6	Transmits copies of notes exchanged between Foreign Office and the United States regarding the preamble of certain Anglo-American Treaties affecting "B" Mandated Territories ... 148

(b) "C" Mandates.

1923	
249 The Governor-General Commonwealth of Australia, Confidential ... April 7 (Rec. May 18)	States that his Government desires to defer an expression of opinion on views of United States Government regarding "C" Mandates until Dominion Governments have considered the question in consultation; adds that Prime Minister suggests that Imperial Conference will provide an opportunity 151
250 Colonial Office ... October 23	Extract from conclusions of a meeting of a Committee of the Imperial Conference held at the Colonial Office on 23rd October ... 151
251 Foreign Office ... October 27	Transmits copy of note from United States Ambassador urging acceptance of the wording of the proposed Treaty with regard to "B" Mandates; remarks upon the discriminatory action taken in matter of Tariffs in Samoa and South West Africa, the Regulations for sale of enemy property, and the reservation of oil in New Guinea; requests assurances on these points, and encloses two draft Conventions... 152
252 Foreign Office ... November 5	Submits draft of proposed note to United States Chargé d'Affaires explaining in general terms the inability of His Majesty's Government to meet views of United States Government ... 156
253	Draft note to United States Chargé d'Affaires regarding "C" Mandates ... 157
254 Mr. E. J. Harding to [Captain E. F. C. Lane] [Sir Robert Garran] [Mr. F. D. Thomson] November 8	Inquires as to [General Smuts'] [Mr. Bruce's] [Mr. Massey's] views on No. 253 ... 158
255 Captain E. F. C. Lane to Mr. E. J. Harding November 16	Conveys General Smuts' views on reply to be sent to United States Government ... 158
256 Mr. F. D. Thomson to Mr. E. J. Harding November 19	States that Mr. Massey would prefer that reply should be held over until he has had the opportunity of considering the whole matter with Cabinet in New Zealand ... 158

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
257 Mr. E. J. Harding to Captain E. F. C. Lane November 26	Transmits a complete file of correspondence, and asks for a clearer statement of opinion on the draft note 159
258 Mr. E. J. Harding to Mr. F. D. Thomson December 13	Inquires whether Foreign Office may be informed that views of New Zealand Cabinet on the draft reply to the United States will be communicated by cable as soon as possible after Mr. Massey's return to the Dominion ... 159
259 Mr. F. D. Thomson to Mr. E. J. Harding December 14	States that the reply to No. 258 is in the affirmative... 159

(2) Position of Mandated Territories in relation to Treaties.

1923	
260 To Foreign Office (Extract) August 30	Discusses the question of the application of Commercial Treaties to Mandated Territories ... 160
261 The Governor-General Commonwealth of Aus- tralia, 341 October 20 (Rec. Dec. 3)	Reports on recommendation of Permanent Mandates Commission to League of Nations re extension of certain advantages to "C" Mandated Territories, and asks for views of His Majesty's Government re action which should be taken so far as Nauru is concerned; states that no steps have been taken towards applying any International Convention to New Guinea ... 161

(3) Nauru Report, 1922.

1923	
262 The Governor-General Commonwealth of Aus- tralia, Telegram ... April 20 (Rec. Apr. 20)	Inquires whether Commonwealth Government should arrange for its representative to appear before Man- dates Commission during discussion of Nauru Report for 1922, and also inquires as to transmission of the Report to the Secretary-General and Members of the Commission ... 162
263 To the Governor-General Commonwealth of Aus- tralia, Telegram ... May 2	Replies to questions raised in No. 262, and states that it is proposed that Representative of His Majesty's Government attending Commission in connexion with Reports on "B" and "A" Man- dated Territories should be present at discussion of Nauru Report; asks for Ministers views as to this... 162
264 The Governor-General Commonwealth of Aus- tralia, Telegram ... May 14 (Rec. May 14)	Inquires whether copies of the Nauru Report should be sent direct to the Commission, and requests that a copy of the Account of the British Phosphate Commission may be presented; agrees that Repre- sentative of British Government should be present at the discussion of the Report... 163
265 To the Governor-General New Zealand, Telegram May 18	Embodies substance of Nos. 262 and 263, and asks for Ministers' concurrence in suggestion that Repre- sentative of His Majesty's Government be present at discussion of Nauru Report ... 163
266 The Governor-General New Zealand, Telegram June 3 (Rec. June 3)	States that New Zealand High Commissioner is being requested to arrange representation at the Mandates Commission; requests date of discussion of the Nauru Report ... 163
267 To the Governor-General New Zealand, Telegram June 15	States, in reply to No. 266, that it was decided to open 1923 Session of the Mandates Commission on 20th July, but that no information is available as to the order of discussion of reports ... 164

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
268 The Governor-General Commonwealth of Aus- tralia, Telegram ... June 19 (Rec. June 19)	Requests that His Majesty's Government will communicate to the Secretary-General the name of the representative of Australia at the Mandates Commission ... 164
269 To the Governors-General Commonwealth of Aus- tralia, 289, and New Zea- land, 155 ... July 20	Transmits copy of a letter to the Secretary-General regarding the representation of the British Empire at the meeting of the Permanent Mandates Commission during consideration of the Nauru Report ... 164

(4) Western Samoa.

Rights Claimed by United States under the Convention of 1899.

1923	
270 Foreign Office ... April 13	Suggests that New Zealand Government be asked to make a definite statement in reply to telegram of 16th September, 1923, with regard to proposed extension to United States of any preferential tariff which may be established in Western Samoa... 165
271 To Foreign Office ... May 2	States, in reply to No. 270, that for reason stated it is not thought advisable to press New Zealand Government for reply to telegram unless the matter is again raised by United States Government ... 165
272 Foreign Office ... November 21	Transmits copy of draft note which it is proposed to address to United States Chargé d'Affaires in regard to the rights of the United States and New Zealand at Samoa arising out of the Treaty of 2nd December, 1899 ... 166
273 To Foreign Office December 6	Transmits copy of correspondence with New Zealand Delegation regarding the draft note, and proposing certain amendments ... 166
274 Foreign Office ... December 12	Agrees to amendments proposed in No. 273 with one exception; explains objection on this point and makes certain proposal ... 168
275 To Foreign Office December 20	Transmits copy of correspondence with New Zealand Delegation discussing proposed amendments to draft note ... 169

(5) Nationality of Inhabitants of "B" and "C" Mandated Territories.

1923	
276 The Governor-General New Zealand December 18, 1922 (Rec. Jan. 24, 1923)	Transmits letter from Prime Minister to Secretary- General, League of Nations, explaining the reference by Sir J. Salmond in the opinion submitted in May, 1920, to the right conferred upon the Samoans by the Peace Treaty to become incorporated within the British Empire ... 170
277 To the Governors-General New Zealand, Union of South Africa, Telegram February 14	Transmits message for Prime Minister from Secretary- General, League of Nations, stating that question of the national status of inhabitants of "B" and "C" Mandated Territories will be on agenda of Council meeting of 10th April ... 171
278 The Governor-General New Zealand, Telegram February 23 (Rec. Feb. 23)	States that his Government contends that only national status admissible is that of subjects of Mandatory Power, and asks that other British Mandatories may be informed of contention ... 172

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
279 To the Governors-General New Zealand, Union of South Africa, Telegram March 16	Transmits message for Prime Minister from Secretary-General, League of Nations (see No. 277) inquiring if Ministers desire to send representative ... 172
280 The Governor-General Union of South Africa, Confidential (2) ... March 2 (Rec. Mar. 20)	Transmits press extracts regarding nationality of inhabitants of South West Africa, and emphasizes the opinion that nothing short of compulsion will solve national status problem ... 172
281 The Governor-General Commonwealth of Australia, Telegram ... March 23 (Rec. Mar. 22)	States reply sent to inquiry by Secretary-General as to Australian representation at discussions by Council in April, and desires that British representative should put forward views outlined on behalf of Commonwealth Government ... 173
282 To the Governor-General New Zealand, Telegram March 23	Suggests a general proposition and designation on lines indicated for native inhabitants of Mandated Territories ... 174
283 The Governor-General Union of South Africa, Telegram ... March 27 (Rec. Mar. 27)	Transmits message from Prime Minister stating that High Commissioner has been nominated to represent Union at April meetings of League of Nations Council ... 174
284 The Governor-General New Zealand, Telegram March 28 (Rec. Mar. 28)	Transmits message for Secretary-General, League of Nations, from Prime Minister stating that High Commissioner has been requested to represent New Zealand at Council meeting in April ... 174
285 To the Governors-General New Zealand, Union of South Africa, Telegram April 2	Transmits message for Prime Minister from Secretary-General, League of Nations, stating that next Session will open on 16th April, not 10th April, and remarks that High Commissioner is being informed ... 175
286 The Governor-General New Zealand, Telegram April 7 (Rec. Apr. 7)	States, in reply to No. 282, that his Government cannot agree to grant of status suggested in Resolution of Permanent Mandates Commission, but is not unwilling to accept such a general proposition and designation as suggested ... 175
287 To the Governors-General Commonwealth of Australia 139, Union of South Africa, 86 ... April 10	Transmits copy of Nos. 278, 282 and 286 ... 175
288 To the Governors-General Commonwealth of Australia, New Zealand, Union of South Africa, Confidential ... May 25	States that the question of the nationality of inhabitants of "B" and "C" Mandated Territories was discussed at a public meeting of the Council on 20th April; encloses copies of Minutes of a private meeting held on 21st April, together with copies of resolutions adopted by Council, and a Declaration made by Union representative ... 176

(6) Permanent Mandates Commission: Appointment of British Member.

1923	
289 The Governor-General Commonwealth of Australia, Telegram January 18 (Rec. Jan. 18)	Transmits message from his Prime Minister stating that he has no objection to appointment of Sir F. Lugard ... 179
290 To the Governors-General Commonwealth of Australia, New Zealand, Union of South Africa, Confidential ... February 15	Notifies appointment of Sir F. Lugard as British Representative on the Permanent Mandates Commission ... 179

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
MEMEL.	
Convention for Transfer of Sovereignty to Lithuania.	
1923	
291 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 383 October 11	Transmits copy of despatch from Paris covering a copy of the draft Convention ... 180
292 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 416 November 13	States that Lithuanian Government, having declined the Convention as drafted by Ambassador's Conference, the matter is being referred to the Council of the League of Nations ... 180
MOZAMBIQUE CONVENTION, 1909.	
Renewal of Part I.	
MUSCAT.	
Anglo-Muscat Treaty, 1891.	
1923	
293 To the Governors-General Canada, 221, Australia, 194 ... May 12	Transmits copy of note prolonging for one year the Commercial Treaty with Muscat of 1891 ... 181
294 To the Governor-General Commonwealth of Australia, 268 ... August 15 (Rec. Sept. 24)	States that it is desired that an early opportunity should be taken to give the Sultan of Muscat notice of the withdrawal of the Commonwealth from the Treaty ... 181
295 To the Governor-General Commonwealth of Australia, 397 ... October 22	Transmits copy of letter to Government of India requesting that an early opportunity may be taken to give notice of the withdrawal of the Commonwealth ... 182
NEW HEBRIDES.	
NORWAY.	
Proposed Commercial Agreement with Australia.	
1923	
296 The Governor-General Commonwealth of Australia, Telegram January 17 (Rec. Jan. 17)	States that question of Commercial Agreement with Norway is being held over for consideration of Commonwealth Government ... 183
297 Foreign Office ... January 27	Transmits copies of correspondence with Norwegian Minister regarding the proposal to negotiate a Commercial Agreement with Australia, and suggests that Norwegian Government be invited to submit definite proposals for the text of an Agreement ... 183
298 To Foreign Office February 21	States that enclosures in No. 297 have been forwarded to Commonwealth Government, and suggests that matter might be left in abeyance for the present ... 184
299 To the Governor-General Commonwealth of Australia, 78 ... February 21	Transmits copies of enclosures in No. 297 ... 184

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
300 The Governor-General Commonwealth of Aus- tralia, Telegram ... March 5 (Rec. Mar. 5)	Asks for further information respecting negotiations for reciprocal Commercial Agreement ... 185
301 To the Governor-General Commonwealth of Aus- tralia, Telegram ... April 28	States, in reply to No. 300, that Norwegian Government await information that Commonwealth Government agree in principal to negotiations being opened before considering the matter ... 185
302 The Governor-General Commonwealth of Aus- tralia, 149 ... May 4 (Rec. June 15)	States that it is not proposed to take any action regarding Commercial Treaties with foreign countries until after the Empire Economic Conference ... 185
303 To the Governor-General Commonwealth of Aus- tralia, 278 ... July 12	Transmits copy of a note to the Norwegian Minister in the sense of No. 302 ... 186

OBSCENE PUBLICATIONS INTERNATIONAL CONVENTION, 1923.

1923	
304 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Telegram ... August 6	Inquires whether and by whom Dominion Govern- ment desire to be represented at International Conference on Obscene Publications ... 186
305 The Governor-General Canada, Telegram ... August 9 (Rec. Aug. 10)	States that his Government does not propose to be represented at the Conference ... 187
306 To the Governor-General Irish Free State, 484 ... August 10	Transmits copy of a note from French Ambassador inviting His Majesty's Government and Dominion Governments to send representatives to the Con- ference, together with relative documents from Secretary-General, League of Nations; inquires whether and by whom Ministers desire to be represented ... 187
307 The Governor-General Union of South Africa, Telegram ... August 15 (Rec. Aug. 15)	States that Ministers consider special representation at the Conference unnecessary, but would be glad if British representative would represent Union ... 188
308 The Governor-General New Zealand, Telegram August 18 (Rec. Aug. 18)	States that his Government does not desire to be represented at the Conference ... 188
309 The Governor-General Commonwealth of Aus- tralia, Telegram ... August 22 (Rec. Aug. 22)	States that his Government desires to be represented by Mr. Shepherd at the Conference ... 188
310 The Governor Newfoundland, 73 ... August 17 (Rec. Sept. 3)	States that Ministers do not wish to be represented at Conference ... 188
311 To the Governors Newfoundland, 122, Southern Rhodesia 29 October 26	Transmits copy of Obscene Publications Suppression Convention ... 189

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
PERSIA.	
Agreement, 1920, modifying the Commercial Convention of 1903.	
1923	
312 To the Governors-General Canada, 37, Australia, 38 ... January 19	Transmits copy of a despatch from His Majesty's Representative at Tehran relative to the right of withdrawal of Canadian and Commonwealth Governments from the Agreement of 1920, and requests observations as to reply to be returned to the Persian Government ... 189

POLAND.

Commercial Treaty, 1923—Most-favoured-nation Clause.

1923	
313 Board of Trade... February 19	Transmits copy of letter to Foreign Office submitting observations on the draft Treaty ... 191
314 To Foreign Office (Extract) ... April 2	Agrees that the provision in Article 9 of the Treaty, to which the Polish Government takes exception, should be abandoned if insistence on its inclusion should jeopardize the Treaty as a whole; assurance cannot be given to the Polish Government that any particular part of the Empire will adhere to the Treaty 191
315 Foreign Office ... April 18	Transmits copy of a despatch from His Majesty's Representative at Warsaw reporting on the subject of the proposed Commercial Agreement ... 192
316 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Dominions 479, Irish Free State, 759, South- ern Rhodesia 120 December 31	Transmits text of Treaty signed at Warsaw on 26th November, and explains omission from Article VIII of the most-favoured-nation treatment clause ... 192
317 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Dominions 480, Confi- dential, Irish Free State, Southern Rhodesia, Con- fidential December 31	Transmits copy of a despatch from His Majesty's Minister at Warsaw forwarding copies of notes exchanged with Polish Minister for Foreign Affairs placing on record certain interpretations or reservations with regard to matters dealt with in the Treaty ... 193

POSTAL CONVENTION, 1920.

Position of the Irish Free State.

1923	
318 The Governor-General Irish Free State, 2 January 10 (Rec. Jan. 11)	Requests that the admission of Irish Free State to the Universal Postal Union may be effected ... 198
319 To the Governor-General Irish Free State, Confi- dential ... May 26	States that Swiss Government have been notified of adhesion of Irish Free State to Postal Union, and suggests, in view of difficulties indicated, that question of voting power be reserved for next Congress of Union ... 198

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
320 To the Governor-General Irish Free State, Confidential July 17	Inquires whether it is desired that the Irish Free State be admitted as a separate member of the Union with a separate vote ... 200
321 The Governor-General Irish Free State, Confidential July 27 (Rec. July 28)	Requests that it may be proposed that the Irish Free State be admitted as an independent member of the Union with a separate vote ... 201

PROPERTY RIGHTS AND INTERESTS.

Agreement under Article 297 Treaty of Peace with Germany.

1923	
322 The Governor-General Union of South Africa, 83 ... March 16 (Rec. Apr. 3)	Transmits copy of Ministers' Minute stating that, in view of the provisions of the Union legislation, they are of opinion that no practical advantage would be derived by extending to the Union the Agreement of December, 1920, respecting Article 297 of the Versailles Treaty ... 201

ROUMANIA.

Commercial Agreement, 1923.

1923	
323 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 298 ... August 9	Transmits copy of Cmd. 1925 containing notes exchanged between British and Roumanian Governments relative to the commercial relations between the British Empire and Roumania ... 202

RUSSIA.

(1) British Relations with Russia.

1923	
324 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Most Secret May 4	Outlines memorandum which it is proposed to send to Soviet Government making certain complaints and requests, and indicating possible effect of Soviet Government refusing to comply therewith ... 202
325 To the Governor-General Canada, Telegram, Most Secret ... May 4	States reason for sending No. 324 ... 203
326 The Governor-General Canada, Telegram, Secret ... May 14 (Rec. May 14)	States that Ministers appreciate information supplied in No. 324 ... 203
327 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Secret ... June 13	States that Soviet Government have given way on all points with one partial exception ... 204

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
(2) Russian Trade Agreement (Cmd 1207) Trade Mission to Canada.	
1923	
328 To the Governor-General Canada, 121 ... March 13	Transmits copy of note from Russian Trade Delegation regarding proposed Soviet Trade Mission to Canada and inquires as to reply to be returned; transmits also certain relevant correspondence, and states that Delegation has been informed why Canadian Government refused to accept a Mission ... 204
329 The High Commissioner for Canada ... March 15	Quotes telegram from Under-Secretary of State for External Affairs stating that Canadian Government will be prepared to admit any persons forming a Russian Trade Delegation who may be approved by His Majesty's Government ... 207
330 To the Governor-General Canada, Confidential (2) ... July 30	Transmits copy of correspondence with Russian Trade Delegation regarding personnel of a proposed Trade Mission to Canada, and inquiring whether Canadian Government are prepared to formally withdraw their objection to admission of Messrs. Kahan and Divilkoski ... 207
331 The Governor-General Canada, Telegram, Confidential, August 18 (Rec. Aug. 18)	States, in reply to No. 330, that Canadian Government is prepared to withdraw its objection to admission of Messrs. Kahan and Divilkovski ... 209

SIAM.

Revision of Commercial Treaties.

Restriction on Immigration.

1923	
332 Foreign Office ... January 25	Transmits copy of letter to Board of Trade enclosing a new revised draft Treaty, and agrees that an endeavour should be made to induce Commonwealth Government to withdraw their suggestion for providing specifically against Siamese immigration into Australia ... 209
333 To the Governor-General Commonwealth of Australia, Telegram ... March 20	In view of circumstances stated, inquires whether Ministers wish to press for specific provision against Siamese immigration into Australia ... 210
334 The Governor-General Commonwealth of Australia, Telegram ... April 17 (Rec. April 17)	States that, in view of No. 333, Ministers do not wish to press suggestion ... 211

SOUTHERN RHODESIA.

Position in relation to Commercial Treaties.

1923	
335 To the Governor Southern Rhodesia, 20 October 19	Transmits, with observations, a list of Commercial Treaties with foreign Powers which impose obligations on Southern Rhodesia, together with copies of notes exchanged with Spanish Minister for Foreign Affairs regarding the grant of certain tariff concessions to certain British Dominions and Colonies ... 211
(2) Position in relation to Extradition Treaties.	
1923	
336 To the Governor Southern Rhodesia, 76 November 26	Conveys observations regarding position of Southern Rhodesia in relation to extradition arrangements with foreign Powers ... 213

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
337 To the Governor Southern Rhodesia, Telegram December 19	Proposes to include Southern Rhodesia as part of His Majesty's Dominions in relation to Extradition Treaties, providing Ministers have no objection ... 214
338 The Governor Southern Rhodesia, Telegram December 31 (Rec. Dec. 31)	States, with reference to No. 337, that Ministers have no objection to proposal ... 214

(3) Position in relation to International Labour Conventions.

1923	
339 To the Governor Southern Rhodesia, 79 November 26	Indicates position of Southern Rhodesia in relation to draft Labour Conventions adopted by the International Labour Conference ... 214

SPAIN.

Commercial Treaty, 1922.

1923	
340 To the Governor Newfoundland, 6 January 12	Transmits copy of note to Spanish Government applying for extension of tariff concession in regard to fish which was recently granted to Norway ... 215
341 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 2 ... January 12	Transmits copies of notes exchanged with Spanish Government regarding notice to be given to terminate Agreement ... 216
342 To the Governor Newfoundland, 10 January 23	Transmits copy of despatch from His Majesty's Ambassador at Madrid covering copy of note from Spanish Government agreeing to extend the concessions granted to Norway to those parts of the Empire to which the Anglo-Spanish Treaty applies... 217
343 To the Governor-General Irish Free State, 68 February 12	Transmits, with observations, copy of the Treaty, and asks whether Ministers desire that notice be given on their behalf to accede to the Treaty, and, if not, whether they will accept proposal outlined ... 219
344 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 13 ... March 20	Transmits copy of note from Spanish Government agreeing that six months' notice of termination of the Treaty should be given ... 220
345 To the Governors-General Canada, 142, Commonwealth of Australia, 115, New Zealand, 65, Union of South Africa, 74 ... March 26	Transmits copy of notice published in <i>Madrid Gazette</i> regarding treatment to be accorded by Spanish Government to goods from India and the Dominions and Colonies on their importation into Spain ... 221
346 To the Governor-General Canada, Telegram ... April 17	States that Spanish Government is prepared to grant Second Column rates to Dominion products in return for most-favoured-nation treatment for Spanish goods, and inquires whether Ministers desire any representations to be made to Spanish Government on their behalf ... 222

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
347 To the Governor-General Union of South Africa, Telegram ... April 17	States that Spanish Government is prepared to grant Second Column rates to products from Dominions, etc., provided most-favoured-nation treatment is accorded to Spanish goods, and inquires whether Ministers desire acceptance on behalf of South West Africa ... 222
348 To the Governor-General New Zealand, Telegram April 17	States that Spanish Government have agreed to grant Second Column rates from the Dominions, etc., provided most-favoured-nation treatment is accorded to imports from Spain, and inquires Ministers' views with regard to adherence of New Zealand and Western Samoa to the Commercial Treaty ... 222
349 To the Governor-General Commonwealth of Australia, Telegram ... April 17	States that Spanish Government have agreed to grant Second Column rates to products from Dominions and Mandated Territories in return for most-favoured-nation treatment for Spanish goods, and inquires whether Ministers desire acceptance on behalf of the Commonwealth and New Guinea ... 223
350 To the Governors-General Commonwealth of Australia 158, New Zealand 85, Union of South Africa, 100 ... April 24	Transmits copy of a note from the Spanish Minister for Foreign Affairs conveying terms upon which Spanish Government is prepared to extend certain tariff concessions to British Protectorates and Mandated Territories ... 223
351 The Governor-General Irish Free State, 104 April 21 (Rec. Apr. 25)	States that Government do not desire to accede to the Treaty, and requests information on points stated before deciding to accept the proposal outlined in paragraph 3 of No. 343 ... 224
352 To the Governor-General Irish Free State, 253 ... May 2	Replies to points raised in No. 351, and inquires whether Ministers desire an undertaking to be given to Spanish Government on their behalf in order that Irish Free State goods imported into Spain after 5th May may be dealt with in accordance with the Second Column of the Spanish Tariff instead of the First Column ... 225
353 The Governor-General Canada, Telegram ... May 17 (Rec. May 18)	Reports on present position and on the grounds on which Canadian Government desires to negotiate a special Treaty, and asks that substance of communication may be transmitted to Spanish Government 226
354 The Governor-General Union of South Africa, Telegram ... May 22 (Rec. May 22)	States that Ministers accept arrangements proposed in No. 347 on behalf of South West Africa ... 226
355 The Governor-General New Zealand, Telegram May 28 (Rec. May 28)	States that the answer to the three questions raised in No. 348 is in the negative ... 226
356 To the Governor-General Canada, 253 ... May 31	Transmits copy of despatch from Madrid forwarding a translation of a Royal Decree making certain concessions in regard to Customs duties to Spanish-American republics and continuing existing régime re Brazil, the United States and Canada ... 227
357 To the Governor-General Canada 288 ... June 20	Transmits copy of a note addressed to Spanish Government regarding desire of Canadian Government to conclude a separate Commercial Treaty with Spain... 228
358 To the Governor-General New Zealand, 127 ... June 20	States that substance of No. 355 is being communicated to Spanish Government, and encloses copy of a note to Spanish Government accepting on behalf of New Zealand Spanish proposals for treatment of goods specified ... 228

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
359 The Governor-General Commonwealth of Australia, 162 ... May 16 (Rec. July 2)	States that Commonwealth Government is not prepared to concede to Spanish products the guarantee of most-favoured-nation treatment, and does not propose to consider questions re Commercial Treaties with countries outside British Empire until after Economic Conference ... 230
360 The Governor-General Irish Free State, 184 ... June 29 (Rec. July 2)	States that his Government will grant most-favoured-nation treatment to Spanish goods, provided Second Column rates are accorded to Free State importations into Spain ... 230
361 To the Governor-General Union of South Africa, 178 ... July 9	Transmits copies of notes addressed to Spanish Government accepting proposed arrangement on behalf of the Union and South West Africa ... 231
362 To the Governor-General New Zealand, 149 ... July 9	Transmits copy of note addressed to Spanish Government stating, with reference to No. 358, that it is not desired that arrangement accepted by New Zealand should include Western Samoa ... 232
363 To the Governor-General Irish Free State 481 ... August 10	Transmits a copy of a note to Spanish Government regarding wishes of Irish Free State in the matter of the Anglo-Spanish Commercial Treaty ... 232
364 To the Governors-General Canada 408, Commonwealth of Australia 337, New Zealand 195, Union of South Africa, 221 ... September 3	Transmits translation of a notice published in <i>Madrid Gazette</i> as to treatment of goods exchanged between Spain and such parts of the British Empire as do not desire to adhere to the Treaty ... 233
365 To the Governor-General Irish Free State, 548 ... September 18	Transmits copy of a note from Spanish Minister for Foreign Affairs to His Majesty's Chargé d'Affaires at Madrid stating that, with a slight modification, the Spanish Government agree to the terms of the Agreement ... 234
366 To the Governor-General Canada, 469... ... September 24	Transmits translation of Press reference to apparent intention of Spanish Government to apply First Column rates to goods from Canada ... 235
367 To the Governor-General Canada, Telegram ... October 2	Reports that application of First Column rates to Canadian goods imported into Spain may be made retrospective to 1st May ... 236
368 To the Governor-General Canada, Confidential ... October 4	Transmits copy of despatch from Madrid regarding probable abandonment of negotiations for a Commercial Treaty between United States and Spain, and the prospective advantages to Canadian firms ... 236
369 The Governor-General Irish Free State, 288 ... October 10 (Rec. Oct. 11)	States that undertaking given in No. 360 may be taken by Spanish Government as being typical of all other similar agreements ... 237
370 The Governor-General Canada, Telegram ... October 20 (Rec. Oct. 20)	States that position of Canadian Government was clearly set forth in No. 353, and that no communication has been received from Spanish Government in answer to the representations then made ... 237
371 To the Governor-General Irish Free State, 619 ... October 24	Requests a more definite assurance of reciprocal treatment for Spanish goods ... 237
372 To the Governor-General Irish Free State, 696 ... December 6	Transmits copy of correspondence with High Commissioner regarding effect of undertaking which Spanish Government desire the Free State Government to give in connexion with treatment to be accorded to Spanish goods imported into the Free State ... 238

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
SPITZBERGEN.	
Treaty of 1920—Mining Regulations.	
1923	
373 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 8, Confidential February 15	Transmits copy of Spitzbergen Mining Regulations and copy of despatch from His Majesty's Chargé d'Affaires at Christiania respecting certain amendments; states that His Majesty's Government have no objection to proposed amendments provided English version reads as quoted ... 239
374 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... March 24	Proposes to accept Spitzbergen Mining Regulations, and to arrange for ratification ... 241
375 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Confidential Dominions Treaty 24 ... June 8	Notifies acceptance on behalf of His Majesty's Government of Spitzbergen Mining Regulations ... 242
TANGIER CONVENTION.	
1923	
376 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Confidential December 8	Gives details of progress made at Conference of representatives of Great Britain, France and Spain who met with a view to framing statute for town and zone of Tangier ... 242
377 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 488, and the Governor-General Irish Free State, 760 ... December 31	Transmits copy of statement issued to Press relative to the new Convention dealing with the status of Tangier ... 243
378 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 484 Confidential... ... December 31	Refers to No. 376 ... 243
TERRITORIAL WATERS.	
(1) Colombia: Law Claiming Twelve-mile Limit.	
1923	
379 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 152, Confidential... ... May 2	Transmits copy of correspondence with His Majesty's Minister at Bogota regarding a recent Law of Colombia claiming a zone of twelve nautical miles as territorial waters ... 244

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
380 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions, 376, Confidential, Irish Free State Confidential October [4] [6]	Transmits copy of despatch from His Majesty's Chargé d'Affaires at Bogota stating that Colombian Government considers that question of territorial waters might be a subject for international agreement, and also that Law 14 of 1923 does not infringe rights of His Majesty's Government ... 245
(2) Italy: Visits of Foreign Warships.	
1923	
381 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, and Newfoundland, Dominions 229 Confidential June 27	Transmits copy of correspondence between His Majesty's Ambassador at Rome and the Italian Government regarding extent of Italian territorial waters 246
(3) Norway: Use of Wireless Apparatus.	
1923	
382 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 246, Confidential ... July 7	Transmits copy of correspondence between His Majesty's Minister at Christiania and the Norwegian Government regarding the attitude of His Majesty's Government relative to the use of wireless on foreign non-belligerent ships within Norwegian Territorial waters ... 248
(4) Russia: Attitude on General Question.	
1923	
383 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 180, Confidential ... May 22	Transmits memorandum regarding attitudes adopted by Russian authorities from 1909 up to the present date on the question of the limits of territorial waters ... 249
(5) Sweden: Limitation for Customs Purposes.	
1923	
384 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 19, Confidential ... January 12	Transmits copies of correspondence with His Majesty's Representative at Stockholm regarding spirit smuggling between Norway and Sweden and the extent of territorial jurisdiction at sea ... 252
385 To the Governor-General Canada, Confidential January 12	States, with reference to No. 384, that views of Canadian Government have been communicated to H.M. Minister at Stockholm ... 254

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
(6) United States: Extent of Jurisdiction over Cook Inlet.	
1923	
386 To the Governor-General Canada, Confidential October 5	Transmits copy of pamphlet and certain correspondence regarding laws and regulations for protection of fisheries of Alaska, and as to any specific claim put forward by United States to jurisdiction over the whole of Cook Inlet ... 254
TURKEY.	
(1) Lausanne Conference (Cmd. 1814) Progress of Negotiations.	
1923	
387 To the Governors-General Commonwealth of Australia, New Zealand, Telegram... January 25	Reports on attitude of Turks with regard to Gallipoli graves, and states that British and Allied delegates have refused to consider their demands ... 257
388 The Governor-General Commonwealth of Australia, Telegram, Secret (Rec. Jan. 27)	Transmits message from his Prime Minister expressing strong approval of attitude of British and Allied delegates on the question of Gallipoli graves, and affirming that Australia will regard as a <i>casus belli</i> any attempt by Turkey to carry out Turkish proposals 257
389 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram January 30	Communicates main outlines of summary of draft Treaty to be presented to Turkish Delegation ... 258
390 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram March 13	States, for information of Prime Minister, that summary of Turkish counter-proposals is being forwarded, and that it is proposed to summon meeting of Allied experts with a view to resuming negotiations... 259
391 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Secret March 29	Indicates main points of identic note to be addressed by Allied Governments to Angora Government ... 259
392 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Secret April 10	States that Turkish reply to Allied proposals was delivered to the High Commissioners by the Angora representative at Constantinople, and that summary has appeared in Press ... 260
393 To the Governor-General Irish Free State, Confidential... July 13	Discusses Conventions resulting from Lausanne Conference on Near Eastern affairs, 1922-3 ... 260
(2) Lausanne Conference: Procedure for Signature of Treaties, (Cmd. 2146).	
1923	
394 The Governor-General Canada, Telegram, Secret December 31, 1922 (Rec. Jan., 1923)	Transmits message from Prime Minister explaining why Canadian Government cannot be expected to follow procedure adopted at the Peace Conference with respect to the signature of any new Treaty or separate Instrument regarding the Straits ... 261

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
895 The Governor-General Canada, Telegram, Secret December 31, 1922 (Rec. Jan. 1, 1923)	Explains, with reference to message in No. 394, that his Prime Minister is agreeable to signature by Secretary of State for Foreign Affairs on behalf of the Empire, and that the Treaty should be presented to Canadian Parliament for ratification ... 262
896 To the Governors-General Commonwealth of Australia, New Zealand, Telegram, Secret January 27	Communicates suggestion of Canadian Government that any Treaties resulting from the Conference should be signed only by British plenipotentiaries who have negotiated them, and inquires whether proposal is acceptable to Dominion Governments ... 262
397 To the Governor-General Union of South Africa, Telegram, Secret January 27	Communicates suggestion of Canadian Government that any Treaties resulting from Lausanne Conference should be signed only by British plenipotentiaries who have negotiated them, and inquires whether it may be assumed from Governor-General's telegram of 31st October that the proposal would be acceptable to the Union Prime Minister ... 263
398 To the Governor-General Canada, Telegram, Secret ... January 27	Accepts suggestion that any Treaties resulting from Lausanne Conference should be signed only by British plenipotentiaries who have negotiated them provided the other Dominion Governments agree ... 263
399 The Governor-General New Zealand, Telegram January 29 (Rec. Jan. 29)	States that suggestion in No. 396 is acceptable to New Zealand Government ... 261
400 The Governor-General Union of South Africa, Telegram ... February 1 (Rec. Feb. 1)	States that, pending developments, General Smuts desires to refrain from replying to No. 397 ... 264
401 The Governor-General Commonwealth of Australia, Telegram, Secret February 2 (Rec. Feb. 2)	States that suggestion in No. 396 is acceptable to Commonwealth Government ... 264
402 To the Governor-General Union of South Africa, Telegram, Secret February 2	Inquires whether it may be assumed that Union Prime Minister will take no exception to procedure proposed in No. 397 should immediate necessity for signature arise ... 264
403 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Telegram, Secret June 7	Assumes that, if Lausanne Conference results in completion of Treaty with Turkey, previous arrangements regarding signature will hold good ... 265
404 To the Governor-General Union of South Africa, Telegram, Secret ... June 7	Inquires whether it may be assumed that Prime Minister would agree to proposal in No. 397 as to signature by British plenipotentiaries should immediate necessity arise ... 265
405 The Governor-General Union of South Africa, Telegram, Secret ... June 9 (Rec. June 9)	Agrees to arrangements for signature proposed in No. 397 ... 265
406 The Governor-General Canada, Telegram, Secret ... June 15 (Rec. June 15)	States, in reply to No. 403, that Canadian Government are agreeable that previous arrangement for signature should hold good ... 265

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
(3) Publication of Correspondence.	
(a) Near East Crisis.	
1923	
407 To the Governor-General Canada, Telegram, Secret January 27	Makes observations regarding issue of first official communication and Press communiqué in connexion with Near East crisis; deprecates proposal to lay telegraphic correspondence before Canadian Parliament, and suggests that a general statement would suffice ... 266
(b) Lausanne Conference.	
1923	
408 The Governor-General Canada, Telegram ... March 21 (Rec. March 21)	Inquires whether there would be any objection to presentation to Parliament of certain Secret papers enumerated ... 266
409 To the Governor-General Canada, Telegram, Confidential ... March 23	States that reply to No. 408 will be sent as soon as possible, and in the meantime assumes that presentation of papers will be deferred as the issues raised affect other Dominions ... 267
410 To the Governor-General Canada, Telegram ... April 12	Suggests, in reply to No. 408, postponement of publication of correspondence pending conclusion of Treaty, but indicates essential omissions if publication is decided upon ... 267
411 To the Governor-General Canada, Telegram, Secret April 12	States, with reference to No. 410, that deferred reply of Union Government to No. 398 presents further difficulties ... 267
(4) Treaties of Lausanne (Cmd. 1929) : Ratification.	
1923	
412 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 297 August 9	Transmits copies of Cmd. 1929 containing the text of the Treaty of Peace with Turkey together with other Instruments, Agreements and Documents forming part of Turkish Peace Settlement ... 268
413 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 31 ... August 20	Requests, for reason stated, that the Dominion Governments will signify their concurrence in the ratification of the Treaty of Peace and Convention relating to Regime of Straits and Thracian Frontier not later than beginning of December, and inquires whether their Governments desire to adhere to the Convention respecting Conditions of Residence and Business and Jurisdiction and the Commercial Convention ... 268
414 To the Governor Newfoundland, 98 ... August 20	Enquires, with reference to No. 412, whether the Newfoundland Government wishes to adhere to the Convention respecting Conditions of Residence and Business and Jurisdiction and the Commercial Convention ... 269
415 To the Governor-General Irish Free State, 525 ... August 31	Requests, for reasons stated, that his Government will signify concurrence in ratification of Treaty of Peace and Convention relating to Regime of Straits and Thracian Frontier not later than beginning of December, and inquires whether his Government desires to adhere to the Convention respecting Conditions of Residence and Business and Jurisdiction and the Commercial Convention ... 269

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
416 The Governor-General Union of South Africa, Telegram ... October 30 (Rec. Oct. 30)	States that Ministers propose to introduce necessary legislation during next Parliamentary Session, but express no views with regard to the application of the Conventions referred to in paragraph 3 of No. 413 269
417 The Governor-General New Zealand, 293 October 29 (Rec. Dec. 4)	States that Government concurs in ratification of the Treaty and other Instruments signed at Lausanne, and desires that no declaration be made on its behalf excluding application of provisions of Conventions IV and V from New Zealand or Western Samoa ... 270
418 The Governor Southern Rhodesia, Telegram ... December 27 (Rec. Dec. 27)	States that Ministers desire no declaration to be made excluding Southern Rhodesia from the Convention... 270

UNITED STATES.

(I) Rush-Bagot Agreement, 1817.

Proposed Revision.

1923	
419 Foreign Office ... June 6	Transmits despatch from Washington enclosing despatch to Canada forwarding a note from United States Government enclosing a new draft of proposed Treaty to replace the Rush-Bagot Agreement ... 270

(2) Treaty regulating Liquor Traffic.

1923	
420 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 172, Secret May 14	Transmits copy of telegram from Washington conveying information obtained from interviews regarding the Supreme Courts decision prohibiting the transportation, importation and exportation of liquors in American territorial waters ... 274
421 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 188, Secret May 26	Transmits copy of despatch from Washington forwarding copies of the United States Supreme Court decision, and suggests courses of action open to British Government ... 275
422 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 193, Secret May 30	Transmits copy of a telegram to Washington conveying instructions for representation to be made to United States Government with regard to international complications which may arise if the new Regulations are enforced ... 278
423 To the Governor-General Irish Free State, Secret June 13	Transmits copy of correspondence with Washington regarding decision of Supreme Court... 279
424 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 219, Secret June 20	Transmits copies of telegrams from Washington regarding the carriage of liquor in foreign vessels within United States territorial waters, together with a copy of a note from the Ambassador to the United States Government on the subject ... 279
425 To the Governor-General Irish Free State, Secret June 20	Ditto ... 281

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
426 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 281, Secret, Irish Free State, Secret August 1	Transmits copy of despatch from His Majesty's Chargé d'Affaires, Washington, enclosing copy of draft Treaty in regard to the extension of the limit of territorial waters to twelve miles ... 282
427 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 388, Secret, Irish Free State, Secret September [6] [7]	Transmits copy of an <i>aide mémoire</i> handed to the United States Secretary of State regarding the proposed extension of the three-mile limit to twelve miles, together with copy of a note in reply... 283
428 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 373, Secret, Irish Free State, Secret October [3] [2]	Transmits copy of correspondence with British Chargé d'Affaires at Washington setting forth objections to the proposal of the United States Government for an extension to twelve miles of the limit of territorial jurisdiction in connexion with the liquor traffic ... 285
429 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 425, Secret, Irish Free State, Secret November [16] [19]	Transmits copies of correspondence with Washington regarding right of search and seizure of British vessels outside three-mile limit ... 288
430 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 462, Secret, Irish Free State, Secret December [7] [10]	Transmits copies of correspondence with British Chargé d'Affaires at Washington regarding the draft Treaty, together with copies of telegrams regarding seizure of schooners "Tomaka" and "Island Home"... 293
431 To the Governor-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Secret December 13	States that draft Treaty has been presented to United States Government, who have suggested certain minor modifications and in particular revised draft of Article 3, and discusses clause added prior to presentation providing for automatic lapsing of Treaty in case of difficulties of constitutional nature preventing parties from carrying out Treaty ... 296
432 To the Governors-General Commonwealth of Australia, New Zealand, Telegram, Secret December 13	Embodies main provisions of draft Treaty contained in No. 429 ... 297
433 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Secret December 17	Communicates text of draft Liquor Treaty incorporating amendments proposed by the United States, and requests concurrence in its terms ... 297

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
484 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Secret, Dominions 476, Irish Free State, Secret December 19	Transmits copy of correspondence with His Majesty's Chargé d'Affaires at Washington regarding right of search and seizure of vessels outside three-mile limit 299
435 To the Governor-General Irish Free State, Secret, December 20	Transmits copy of No. 433, and requests concurrence in the terms of the draft Treaty set out therein... 301
436 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram December 24	Notifies certain modifications in the draft Treaty; requests concurrence in its terms, and that His Majesty's Chargé d'Affaires at Washington may be authorized to sign ... 302
437 The Governor Newfoundland, Telegram December 28 (Rec. Dec. 29)	Concurs in terms of proposed Treaty ... 302

(3) Pacific Halibut Fishery Treaty.

1923	
438 The Governor-General Canada, Telegram, Secret (Extract) January 16 (Rec. Jan. 17)	States that Ambassador at Washington has been informed that draft Convention is acceptable to Canadian Government subject to certain minor amendments; states also that Canadian Government desire that full powers may be given to Mr. Lapointe, Minister of Marine and Fisheries, to sign the Treaty 302
439 The Governor-General Canada, Telegram, Personal and Private, January 16 (Rec. Jan. 17)	Understands that object of request for full powers for Mr. Lapointe is that Ambassador's signature may be dispensed with in order that Convention may be a direct Treaty between Canada and United States ... 303
440 Foreign Office ... January 24	Transmits copy of telegram from Washington asking if proposal of Canadian Government to substitute "Dominion of Canada" for "Great Britain" in Treaty should be submitted to United States Government; proposes to reply as indicated, and requests early general observations on the Convention... 303
441 To Foreign Office January 30	Transmits, with observations, copy of No. 438, and requests that full powers may be issued to Mr. Lapointe ... 304
442 Foreign Office Confidential ... February 10	Considers a title for the Convention superfluous; sets forth correct title for publication in the Treaty Series; indicates procedure as regards signature, and encloses full powers for Mr. Lapointe ... 304
443 Foreign Office Confidential ... February 14	Transmits copy of telegram to Washington as to form of title of Convention and the procedure for signature 305
444 To the Governor-General Canada, Telegram, Secret February 15	States that full powers for Mr. Lapointe have been forwarded, and inquires whether Ministers see any objection to suggested modifications regarding form of title of Convention and preamble ... 305
445 To the Governor-General Canada, Telegram, Private and Personal February 16	Requests views of Ministers regarding signature of Convention ... 305

1923	
446 The Governor-General Canada, Telegram February 17 (Rec. Feb. 17)	States that modifications suggested in No. 444 are concurred in by Canadian Government ... 306
447 The Governor-General Canada, Telegram, Private and Personal February 20 (Rec. Feb. 21)	States that Prime Minister desires that Treaty should be signed by Mr. Lapointe alone; gives reasons ... 306
448 Foreign Office Confidential ... February 22	Expresses hope that Canadian Government will raise no objection to Ambassador at Washington being associated in the signature of the Convention ... 306
449 The Governor-General Canada, Telegram, Secret ... February 28 (Rec. Mar. 1)	Transmits message from Prime Minister requesting that Convention be signed by Mr. Lapointe as sole British Plenipotentiary ... 307
450 Foreign Office to Sir A. Geddes Telegram, 86, Private and Confidential ... March 1	Explains why it is considered expedient that Mr. Lapointe should sign the Treaty as sole British Plenipotentiary ... 308
451 To the Governor-General Canada, Telegram ... March 1	States that views in No. 449 are being communicated to His Majesty's Ambassador at Washington ... 308
452 Foreign Office to Sir A. Geddes Telegram, 87 ... March 1	Conveys desire that, in circumstances stated, Mr. Lapointe may be authorised to sign the Treaty as sole British Plenipotentiary ... 308
453 The Governor-General Canada, Telegram, Secret ... March 1 (Rec. Mar. 1)	Conveys thanks of Ministers for prompt action taken regarding matter referred to in No. 449 ... 309
454 Sir A. Geddes to Foreign Office Telegram, Private and Confidential ... March 2 (Rec. Mar. 3)	Reports signature of Treaty on 2nd March by Mr. Lapointe as sole British Plenipotentiary... 309
455 House of Commons ... March 8	Question asked by Mr. Hurd regarding signature of Treaty; and the Prime Minister's reply thereto ... 309
456 To the Governor-General Canada, 131 ... March 15	Transmits copy of No. 455... 309
457 To the Governor-General Canada, 141 ... March 24	Transmits copies of further questions asked in House of Commons regarding signature of Treaty; and replies thereto ... 310
458 To the Governor-General Canada, 147 ... April 3	Transmits copy of a further question and answer in the House of Commons regarding the Treaty ... 310
459 Foreign Office ... June 29	Transmits copies of telegrams from Washington as to proposed legislation in Canadian Parliament and doubt felt as to desirability of expressing to United States Government, as requested by Canadian Government, the hope that Convention may be resubmitted to United States Senate without the rider added by that Body ... 311
460 To Foreign Office ... July 6	Concurs in proposal in No. 459 that His Majesty's Chargé d'Affaires at Washington be instructed to act as desired by Canadian Government; discusses interpretation to be placed on rider added by the United States Senate ... 312
461 The Governor-General Canada, Secret ... June 26 (Rec. July 9)	Transmits copy of letter from Department for External Affairs, and states that any Canadian legislation passed will not take effect until United States Senate approves Treaty as it was signed, and withdraws rider attached to it ... 313

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page.
1923	
462 Foreign Office ... July 11	States that Secretary of State is now inclined to consider that His Majesty's Chargé d'Affaires at Washington should be instructed to take no action at present in the matter of the communication which Canadian Government desired to have addressed to United States Government ... 314
463 To Foreign Office ... July 31	Transmits, with observations on the discussion of the rider added by United States Senate, copies of debates on the Treaty in Canadian Parliament, together with copy of a Bill on the subject; hopes that, in the circumstances, His Majesty's Chargé d'Affaires at Washington may be authorized to take action as desired by Canadian Government ... 314
464 Foreign Office ... August 15	States, with reference to No. 463, that there appear to be no new facts calling for reconsideration of view expressed in No. 462, and that it is understood that the treaty-making power of the Dominions will be discussed and defined at Imperial Conference ... 315
465 Foreign Office ... August 29	Transmits copies of telegraphic correspondence with His Majesty's Chargé d'Affaires at Washington as to attitude of Canadian Government, and desire of His Majesty's Government that no further action should be taken pending discussion at Imperial Conference 315
466 Foreign Office ... September 3	Transmits copy of telegraphic correspondence with His Majesty's Chargé d'Affaires, Washington; submits draft of proposed reply, and suggests that Canadian Government should be informed of the reasons for which the Chargé d'Affaires has not been instructed to comply with their requests ... 316
467 Foreign Office ... September 5	Transmits copy of telegram to His Majesty's Chargé d'Affaires, Washington, regarding nature of inquiries to be addressed to United States Government in view of desire of Canadian Government to introduce the close season this year ... 317
468 Foreign Office ... September 19	Transmits copy of despatch from Washington enclosing copy of a note to United States Secretary of State inquiring as directed in the second paragraph of the enclosure in No. 467 ... 318
469 Foreign Office ... September 24	Transmits copy of telegram from His Majesty's Chargé d'Affaires at Washington setting out certain proposals of Canadian Government, and proposes authorizing Mr. Chilton to act in accordance with the wishes of that Government ... 319
470 To Foreign Office ... September 26	Concurs in No. 469 ... 319
471 Foreign Office ... October 2	Transmits copy of telegram to His Majesty's Chargé d'Affaires, Washington, approving a communication to United States Government in the sense proposed by Canadian Government ... 320
472 Foreign Office ... October 3	Transmits copy of a telegram from His Majesty's Chargé d'Affaires, Washington, quoting telegram sent to Canada as to prospect of Treaty passing on reintroduction into United States Senate, and as to issue of an announcement with regard to the Close Season during the current year ... 320
473 Foreign Office ... October 6	Transmits copy of telegram from His Majesty's Chargé d'Affaires at Washington quoting telegram to Canada conveying decision of United States Government to agree to a joint announcement that the Close Season will not be effective during 1923-24 Season ... 321

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
474 Foreign Office ... October 12	Transmits copy of despatch from His Majesty's Chargé d'Affaires at Washington enclosing copy of a note to United States Department of State as to desirability of deciding immediately whether a Close Season is to be effective in 1923-24 ... 321
475 Foreign Office ... October 17	Transmits copy of despatch from His Majesty's Chargé d'Affaires at Washington enclosing copy of despatch from United States Department of State advising that the President has expressed his readiness to resubmit Convention to Senate, and reporting that United States Government is prepared to join Canadian Government in a public announcement to the effect that Close Season will not be effective during 1923-24 ... 323
476 Foreign Office ... October 24	Transmits copy of despatch from His Majesty's Chargé d'Affaires at Washington forwarding correspondence regarding terms of notice to be issued with regard to the Close Season during the winter of 1923-24 ... 324

WASHINGTON CONFERENCE:

Ratification of Treaties negotiated at Conference.

1923	
477 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 287 ... August 2	States that a despatch has been received from Washington reporting that United States Secretary of State will propose, when the French Instruments of Ratification have been received by French Embassy, that the ratifications of the several Governments shall be deposited simultaneously ... 325
478 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 344 September 12	Transmits copy of telegram from His Majesty's Ambassador at Washington regarding ratification of Naval Disarmament Treaty, the Four Power Pacific Pact and the Supplementary Agreement respecting Insular Possessions ... 326
479 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 34 ... September 21	Transmits copies of <i>Procès-Verbaux</i> recording deposit of ratifications by signatory Powers of certain three Acts of the Washington Conference on limitation of Armaments ... 326
480 To the Governor Newfoundland, 111 September 28	Ditto ... 329
481 To the Governor-General Irish Free State, 583 September 28	Ditto ... 330

INTERNATIONAL ARRANGEMENTS AND TREATY RELATIONS.

508

201

POSITION OF THE SELF-GOVERNING DOMINIONS AND SOUTHERN RHODESIA.

CORRESPONDENCE, 1923.

AERIAL NAVIGATION CONVENTION, 1919.

(Treaty Series 1922, Nos. 2 and 11, and 1925, Nos. 12 and 13.)

(1) Article 5: Postponement of Application and Amendment of Article.

429

No. 1.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 2nd January, 1923.)

[Answered by No. 4.]

(No. 161.)

MY LORD DUKE,

Government House, St. John's, 22nd December, 1922.

I HAVE the honour to acknowledge the receipt of your predecessor's despatches No. 125 of the 19th August and No. 140 of the 20th September last,* on the subject of Article 5 of the International Air Navigation Convention, and to inform you that my Ministers concur in the course adopted by His Majesty's Government of postponing the application of the provisions of this Article in respect of the States mentioned, and desire that similar action be taken on their behalf.

I have, &c.,

W. L. ALLARDYCE.

802

No. 2.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.20 a.m., 4th January, 1923.)

TELEGRAM.

(Extract.)

4TH JANUARY.

Your telegram 21st December.† Commonwealth Government concurs in the terms of the fresh Protocol, desires signature and subsequent ratification, and nominates High Commissioner in London to sign on its behalf.—GOVERNOR-GENERAL.

2261

No. 3.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.15 p.m., 11th January, 1923.)

TELEGRAM.

[Answered by No. 6.]

11TH JANUARY. Your telegram, 21st December‡; amendment to Article 5 of International Convention for Air Navigation. My Ministers represent that Canada's present position does not clearly appear. Does proposed amendment to

* Nos. 26 and 27 in Dominions No. 87.

† No. 34 in Dominions No. 87.

‡ No. 33 in Dominions No. 87.

NOTE.

In addition to the correspondence printed in this volume the following telegrams were sent to the Dominions during 1923 on various aspects of foreign relations:—

Franco-German relations (including telegrams regarding the occupation of the Ruhr and the Reparations question) ...	91 telegrams
Near Eastern situation (including the proceedings of the Lausanne Conference) ...	58 telegrams
Italo-Greek Crisis, September, 1923 ...	19 telegrams
Situation in Iraq ...	2 telegrams
Situation in Afghanistan ...	1 telegram
Situation in Greece ...	1 telegram

A note on the general procedure as regards communication with the Dominion Governments on foreign affairs is printed on pages 77 and 78.

Article 5 cancel Canada's application for derogation in respect of inter-state flying between Canada and United States, also her request for postponement of application of Article 5. Unless existing agreement covering entry of United States aircraft into Canada is accepted by Commission as "a special and temporary authorisation," amendment will not solve difficulty with regard to Canada's relations with United States. Brancker evidently of opinion that it cannot be so construed (see Air Ministry letter to High Commissioner for Canada, 22nd November*). Government of Canada is not prepared to ratify proposed amendment unless assurance can be given either that application of Article 5 will be postponed or derogation granted until regular Convention governing flying between Canada and United States can be concluded or present agreement with United States considered "special or temporary authorisation."—BYNG.

1987

No. 4.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 7.)

SIR, Downing Street, 13th January, 1923.
I HAVE the honour to acknowledge the receipt of your despatch No. 161 of the 22nd of December,† and to transmit to you, for the information of your Ministers, a copy of a letter to the Secretary-General of the International Commission for Aerial Navigation regarding the intention of the Government of Newfoundland to postpone the application of the provisions of Article 5 of the International Convention for Air Navigation in respect of the signatory States which have not yet ratified and in respect of certain other countries.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 4.

Foreign Office, S.W.1, 9th January, 1923.

SIR, WITH reference to the letter from this department of the 4th instant, I am directed by the Secretary of State for Foreign Affairs to inform you that the Government of Newfoundland have expressed their intention, under the terms of the *procès-verbal* of the deposit of ratification of 1st June last, to postpone application of the provisions of Article 5 of the International Convention for Aerial Navigation in respect of the signatory States which have not yet ratified, and in respect of Spain, Switzerland, Norway, Sweden, the Netherlands, Denmark, Finland, Esthonia, Latvia and Monaco.

2. I am to request that you will be so good as to communicate the foregoing to the other contracting parties.

I am, &c.,
R. H. CAMPBELL.

The Secretary-General,
International Commission for Aerial Navigation,
3, Rue François 1er,
Paris.

4488

No. 5.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.51 p.m., 24th January, 1923.)

TELEGRAM.

[Answered by No. 12.]

24TH JANUARY. Your telegram 21st December‡; ratification of Protocol providing for amendment of Article 5 of Aerial Navigation Convention. Ministers nominate High Commissioner in London to sign on behalf of South Africa.
—ARTHUR FREDERICK.

* 3567: not printed; it intimated that Sir S. Brancker had at first been of opinion that the proposed amendment of Article 5 would meet the difficulties of the Canadian Government, but had changed his opinion as a result of the subsequent correspondence.

† No. 1. ‡ No. 33 in Dominions No. 87.

3567

No. 6.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.40 p.m., 1st February, 1923.)

TELEGRAM.

[Answered by No. 7.]

1ST FEBRUARY. Your telegram 11th January.* Proposed amendment to Article 5 of Air Navigation Convention does not cancel or otherwise adversely affect either Canada's request for derogation in respect of United States made in accordance with additional Protocol of 1st May, 1920, or declaration of Canada's intention to postpone application of Article 5 in accordance with *procès-verbal* of 1st June, 1922, see my despatch of 29th August, 1922, Dominions No. 315.† Necessary notifications already made in both cases, see my despatch of 8th December, No. 577‡; see my despatch of 29th December, No. 603.§ Upon conclusion of requisite Convention with United States, proposed amendment will have advantageous effect of obviating necessity for renewal of derogation. It will also facilitate negotiation of other similar agreements as may be desired, and will remove one of main objections raised to Convention by non-contracting States. In the circumstances hoped that your Ministers will agree to signature and ratification of Protocol on behalf of Canada.
—SECRETARY OF STATE FOR THE COLONIES.

8404

No. 7.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.0 a.m., 16th February, 1923.)

TELEGRAM.

[Answered by No. 9.]

15TH FEBRUARY. In view of the assurance given your telegram dated 1st February,|| relative to the proposed amendment of Article 5 of the Convention of Air Navigation, that this amendment will not adversely affect the position in regard to inter-state flying between Canada and United States, nor our application for postponement of Article 5, nor the grant of derogation from that Article, Canada is prepared to sign and ratify the Protocol.—BYNG.

8866

No. 8.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.52 a.m., 19th February, 1923.)

TELEGRAM.

[Answered by No. 9.]

19TH FEBRUARY. Your telegram of 13th February¶; amendment to Article 5 Air Navigation Convention. My Government agrees to signature and ratification of Protocol.—JELlicoe.

* No. 3. † 41150; not printed; it enclosed a copy of Treaty Series, 1922, No. 11. ‡ 60317: not printed; it enclosed copies of a despatch to Paris and a letter to the International Commission notifying the decision, described in No. 31 in Dominions No. 87, and the application of Canada for a derogation. § 62390: not printed; it enclosed a copy of a letter from the International Commission acknowledged that referred to under †. || No. 6. ¶ 3567: not printed; it was a reminder of No. 34 in Dominions No. 87.

9455

No. 9.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 6 p.m., 27th February, 1923.)

TELEGRAM.

[Answered by Nos. 10 and 11.]

(Canada.)
(New Zealand.)

27TH FEBRUARY. [To Canada: Your telegram 15th February,*] [To New Zealand: Your telegram 19th February,†] Article 5 Air Convention. Please telegraph as soon as possible whom your Ministers nominate to sign Protocol on their behalf. Proposed that British Ambassador Paris should sign on behalf of this country. Government of Commonwealth of Australia and Government of Union of South Africa have nominated High Commissioners.—DEVONSHIRE.

10883

No. 10.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.20 a.m., 2nd March, 1923.)

TELEGRAM.

2ND MARCH. Your telegram 27th February.‡ New Zealand Government nominates High Commissioner to sign Protocol to International Air Navigation Convention on their behalf.—JELICOE.

12146

No. 11.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 p.m., 7th March, 1923.)

TELEGRAM.

7TH MARCH. Your telegram 27th February.‡ Article 5 Air Convention. My Ministers request that the High Commissioner for Canada may be asked to sign the Protocol on behalf of Canadian Government.—BYNG.

13391

No. 12.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.20 p.m., 24th March, 1923.)

TELEGRAM.

24TH MARCH. Your telegram 24th January.§ Air Convention. High Commissioner has asked that British Ambassador, Paris, may be authorized to sign Protocol on his behalf as it is not convenient for him to make journey to Paris for purpose of signing. Arrangements accordingly being made for British Chargé d'Affaires, who has been instructed to sign on behalf of His Majesty's Government on 28th March, to sign at same time on behalf of Union of South Africa.—DEVONSHIRE.

* No. 7. † No. 8. ‡ No. 9. § No. 5.

16137

No. 13.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 83.)

SIR,

Downing Street, 6th April, 1923.

WITH reference to my telegram of the 24th of March,* I have the honour to request Your Royal Highness to inform your Ministers that His Majesty's Chargé d'Affaires at Paris has reported that he signed the Protocol amending Article 5 of the Aerial Navigation Convention on behalf of the Union Government on the 28th of March.

I have, &c.,
DEVONSHIRE.

23672

No. 14.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 15.]

(No. 407.)

SIR,

Downing Street, 10th July, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, copies of two Parliamentary Papers [Cmd. 1609 and 1741] containing the texts (a) of the Convention for the Regulation of Aerial Navigation signed at Paris on the 13th October, 1919, (b) of the Additional Protocol of the 1st May, 1920, regarding certain derogations to Article 5 of the Convention, and (c) of the Procès-Verbal of the Deposit of Ratifications of the Convention and of the Additional Protocol.

(2) It will be remembered that this Convention was one of the International Conventions which formed the subject of the letter from the Provisional Government of Ireland Committee of the Cabinet of the 2nd May, 1922, which was acknowledged by the Secretary to the Provisional Government on the 5th May, 1922.†

(3) In order to give effect to the Convention and to the Additional Protocol an Order in Council, entitled the Air Navigation Order, 1922,‡ of which I enclose copies, was made on the 20th June, 1922, under the provisions of the Air Navigation Act, 1920.

(4) Your Ministers will observe that under Section 30 of the Order and Article 73 of the Irish Free State Constitution, the Order is operative in the Irish Free State until the Parliament of the Irish Free State makes separate provision for the purpose of giving effect to the Convention or any part thereof.

(5) I have further to enclose copies of two letters§ from the General Secretary of the International Commission for Air Navigation formally notifying certain resolutions adopted by the Commission at the meetings held in London on the 25th, 26th, and 27th October, 1922, and in Brussels from the 28th February to the 2nd March, 1923. It will be seen that these Resolutions referred to the amendment of certain Annexes to the Convention and the adoption of regulations concerning matters referred to in the Convention.

(6) At the earlier of the two meetings referred to in the preceding paragraph, the Commission discussed an amendment proposed by the French representatives modifying Article 5 of the Convention in such a way as to make it possible for a contracting State to conclude a special agreement with a non-contracting State enabling the aircraft of the latter to fly over the territory of the former, provided that the rights of the States who are parties to the Convention are not infringed, and that its rules and annexes are not contravened. I enclose a copy of the Draft Protocol|| which was prepared to give effect to the agreement reached at the Meeting of the Commission, signed by the President of the Session and the Secretary-General of the Commission.

* No. 12. † Nos. 152 and 153 in Dominions No. 87. ‡ S.R.O. 1922, No. 663. § 9649 and 23030: not printed; see Treaty Series No. 14 of 1923 for the text of the Amendments. || 56748: not printed; see Treaty Series 1925, No. 12.

(7) The Protocol was signed by His Majesty's Chargé d'Affaires in Paris on the 28th March, and it is proposed that it should be ratified by His Majesty. This ratification will, of course, apply to the Irish Free State: in view, however, of the fact that the Protocol does not impose any additional obligations but is, in fact, a relaxation of the provisions of the original Convention, I presume that your Ministers will not have any objection to the necessary steps being taken for the ratification of the Protocol.

I have, &c.,
DEVONSHIRE.

51628

No. 15.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 23rd October, 1923.)

(No. 301.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 22nd October, 1923.

I HAVE the honour to refer to Your Grace's despatch of the 10th July last, No. 407,* relative to the proposed ratification by His Majesty of a Protocol, signed by His Majesty's Chargé d'Affaires in Paris on the 28th March, 1923, regarding a modification of Article 5 of the Convention for the Regulation of Aerial Navigation signed at Paris on the 13th October, 1919.

2. My Ministers note the effect of the modification, and I have the honour to inform Your Grace that they have no objection to the necessary steps being taken for the ratification of the Protocol in question.

I have, &c.,
T. M. HEALY.

Note.—His Majesty's ratification of the Protocol was deposited on the 19th December, 1923.

(2) Article 5: Applications for Derogations by
(a) Belgium.

802

No. 16.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.20 a.m., 4th January, 1923.)

TELEGRAM.

(Extract.)

4TH JANUARY. Your telegram 19th December,† Air Convention. Commonwealth Government prepared to accept derogation from Article 5 requested by Belgian Government provided that His Majesty's Government adopt similar course.

—GOVERNOR-GENERAL.

* No. 14. † No. 37 in Dominions No. 87.

1930

No. 17.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.0 a.m., 10th January, 1923.)

TELEGRAM.

10TH JANUARY. Your telegram 19th December,* Article 5, Air Convention. New Zealand Government accepts derogation.—JELlicoe.

3503

No. 18.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.25 p.m., 19th January, 1923.)

TELEGRAM.

19TH JANUARY. Your telegram 19th December.* Application of Belgian Government for derogation from Article 5 of the Air Convention. My Ministers have no objections to offer.—ARTHUR FREDERICK.

3503

No. 19.

COLONIAL OFFICE to AIR MINISTRY.

SIR,

Downing Street, 26th January, 1923.

WITH reference to your letter of the 13th December, 1922,† and to the letter from this Department of the 10th January,‡ I am directed by the Duke of Devonshire to transmit to you, to be laid before the Air Council, a copy of a telegram§ from the Governor-General of the Union of South Africa regarding the application of the Belgian Government for a derogation from Article 5 of the International Convention for the Regulation of Aerial Navigation.

2. It is observed that your letter of the 13th December† refers only to the Governments of the self-governing Dominions whose representatives signed the Convention. In accordance with the third and fourth paragraphs of the Additional Protocol to the Convention of the 1st May, 1920 (vide page 3 of Cmd. 1741), however, applications for derogations from Article 5 of the Convention must be submitted to, and approved by, "the Contracting States" before the derogation becomes effective: Article 40 of the Convention provides that "the British Dominions and India shall be deemed to be States for the purposes of the present Convention," and it may be held that the expression "British Dominions" should be interpreted as including all the self-governing Dominions, as distinguished from the Colonies and Protectorates which are expressly included with the Mother Country by Article 1 of the Convention, and that Newfoundland and the Irish Free State should accordingly be treated as "Contracting States" for the present purpose in addition to those Dominions whose representatives signed the Convention.

3. This question has already arisen in connexion with the representation of the Dominions on the International Air Navigation Commission, and I am to refer to the correspondence ending with the letter from this Department of the 29th July, 1922.||

4. In the present instance, the immediate question whether the Belgian Government should be granted a derogation from Article 5 did not appear to be of any practical importance to Newfoundland or the Irish Free State, and the Secretary of State confined himself, therefore, to telegraphing to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa. He considers it essential, however, that the reply returned to the letter of the 30th November, 1922,¶ from the International Air Navigation Commission should not be such as to admit explicitly or by implication that

* No. 37 in Dominions No. 87. † 61747: not printed; see No. 37 in Dominions No. 87 for its substance. ‡ No. 1930, L.F., enclosing copy of No. 17. § No. 18. || No. 35448, L.F., enclosing copies of Nos. 24 and 25 in Dominions No. 87. ¶ Enclosure 1 in No. 20.

Newfoundland or the Irish Free State are not "Contracting States" for this purpose, and he would suggest that the reply might be simply that the derogation is accepted by "His Majesty's Government and the Governments of the Dominions" without specifying which of the Dominions are included in the term.

5. A copy of this letter is being sent to the Foreign Office.

I am, &c.,
C. T. DAVIS.

5602

No. 20.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.

Dominions Treaty No. 7.)

[MY LORD,] [SIR,]

Downing Street, 7th February, 1923.

WITH reference to my telegram of the 19th of December,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] for the information of your Ministers, a copy of a letter from the General Secretary, International Commission for Air Navigation, relative to the application of the Belgian Government for a derogation from Article 5 of the International Air Convention, together with a copy of the reply returned by His Majesty's Government.

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 20.

Commission Internationale de Navigation Aérienne.

Paris, 3, rue François Ier,

SIR,

le 30 novembre, 1922.

IN accordance with the provisions of the Additional Protocol to the Air Convention, dated in Paris 1st May, 1920, the Belgian Government has made an application for a derogation from Article 5 in favour of the States signatory to the Air Convention of the 13th October, 1919, but which have not yet ratified it as well as in favour of Spain, Switzerland, Norway, Sweden, Denmark, Holland, Finland, Esthonia, Lettonia and Monaco.

This request for derogation was examined and approved by the International Commission for Air Navigation last October. Further, the duration of such derogation has been fixed for a period of six months, but it will not take effect until after it has been expressly accepted by the Contracting States.

In consequence of, and in accordance with, the said Additional Protocol, I have, therefore, the honour to propose such application for the acceptance of your Government, and I beg to request that you will kindly inform me as soon as possible of its decision with regard thereto.

I have, &c.,

ALBERT ROPER,

General Secretary.

The Secretary,

Air Ministry,

London, W.C.2.

Enclosure 2 in No. 20.

SIR,

31st January, 1923.

IN reply to your letter of 30th November last, relative to the application of the Belgian Government, in accordance with the provisions of the Additional Protocol, dated 1st May, 1920, for a derogation from Article 5 of the Convention for the Regulation of Aerial Navigation (13th October, 1919) in respect of the States

* No. 37 in Dominions No. 87.

which signed the Convention but have not yet ratified it, and in respect of Spain, Switzerland, Norway, Sweden, Denmark, Holland, Finland, Esthonia, Lettonia, and Monaco, I am commanded by the Air Council to inform you that after due consideration of the subject His Majesty's Government and the Governments of India and the Dominions accept the derogation of the Belgian Government.

I am, &c.,

B. E. HOLLOWAY.

The General Secretary,

International Commission for Air Navigation,
20, Avenue Kleber, Paris.

(b) France.

17949

No. 21.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.30 p.m., 14th April, 1923.)

TELEGRAM.

[Answered by Nos. 22, 23, 24 and 25.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

14TH APRIL. My telegram 19th December, 1922.* Government of France have applied for derogation from Article 5, Air Convention, in favour of same countries as in case of Belgian application. International Commission has approved request; duration of derogation to be six months, but it will not take effect until accepted by contracting States. Do your Ministers accept derogation?—DEVONSHIRE.

19954

No. 22.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.45 a.m., 21st April, 1923.)

TELEGRAM.

21ST APRIL. Your telegram of 14th April,† Air Convention. New Zealand Government accepts derogation applied for by French Government.—JELICOE.

20527

No. 23.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.50 a.m., 24th April, 1923.)

TELEGRAM.

23RD APRIL. Your telegram of 14th April,† No objection on part of Canadian Government to granting derogation from Article 5 of Air Convention asked for by French Government.—GOVERNOR-GENERAL.

* No. 37 in Dominions No. 87.

† No. 21.

21059

No. 24.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.20 p.m., 26th April, 1923.)

TELEGRAM.

26TH APRIL. Your telegram of 14th April.* Derogation from Article 5 of Air Convention. My Ministers have no objection.—ARTHUR FREDERICK.

25482

No. 25.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.43 a.m., 22nd May, 1923.)

TELEGRAM.

22ND MAY. Your telegram 14th April.* Commonwealth Government accepts derogation from Article 5, Air Convention, requested by French Government.—GOVERNOR-GENERAL.

(c) Canada.

47292

No. 26.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.30 p.m., 28th September, 1923.)

TELEGRAM.

[Answered by Nos. 27, 28 and 29.]

(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

28TH SEPTEMBER. My telegram 14th April.* Canadian Government have applied for derogation from Article 5 Air Convention in respect of United States of America. International Commission has approved request, duration of derogation to be six months, but it will not take effect until accepted by Contracting States. Secretary-General, Commission, asks whether His Majesty's Government and Dominion Governments accept derogation. Subject to concurrence of Dominion Governments, proposed to reply in the affirmative. Please telegraph whether your Ministers concur.—DEVONSHIRE.

48369

No. 27.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.25 a.m., 3rd October, 1923.)

TELEGRAM.

3RD OCTOBER. Your telegram 28th September.† Derogation from Article 5, Air Convention. New Zealand Government is satisfied to leave the matter to decision of His Majesty's Government.—JELlicoe.

* No. 21.

† No. 26.

48778

No. 28.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.11 a.m., 6th October, 1923.)

TELEGRAM.

6TH OCTOBER. Your telegram of 28th September.* Canadian derogation from Article 5 of the Air Convention. My Ministers have no objection.—ARTHUR FREDERICK.

49795

No. 29.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.16 a.m., 12th October, 1923.)

TELEGRAM.

12TH OCTOBER. Your telegram 28th September.* Commonwealth Government concurs in derogation by Canadian Government from Article 5 Air Convention in respect of United States of America.—FORSTER.

(d) Great Britain.

61772

No. 30.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

Dominions Treaty No. 50.)

[MY LORD.] [SIR,]

Downing Street, 31st December, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a letter from the International Commission for Air Navigation regarding an application by His Majesty's Government for a derogation from Article 5 of the Aerial Navigation Convention of 1919.

2. It will be recollected that provision for the grant of derogations from this Article was made in the additional Protocol to the Convention, which appears on pages 3-5 of Parliamentary Paper Cmd. 1741—Treaty Series No. 11 (1922)—of which copies were enclosed in my predecessor's despatch Dominions No. 315 of the 29th August, 1922.† A declaration was inserted in the *procès-verbal* of the Deposit of Ratifications of the Convention and the Additional Protocol (pages 5-7 of the same Parliamentary Paper) to the effect that, until it might be possible to grant the derogations provided in the Additional Protocol, the Governments concerned might postpone the application of the provisions of Article 5 of the Convention as regards the signatory States which had not yet deposited their ratifications as well as Spain, Switzerland, Norway, Sweden, the Netherlands, Denmark, Finland, Esthonia, Latvia and Monaco. As stated in my predecessor's despatch Dominions Treaty No. 44 of the 20th September, 1922,‡ it was at first considered inopportune to institute steps for the purpose of obtaining the grant of specific derogations under the Additional Protocol, and a formal notification was made to the French Government, for communication to the International Commission and to the other Contracting States, of the intention of His Majesty's Government to postpone the application of the provisions of Article 5 in respect of the States referred to in the declaration inserted

* No. 26.

† No. 41150: not printed; it enclosed copies of the paper in question.

‡ No. 27 in Dominions No. 87.

513

206

in the *procès-verbal* of the Deposit of Ratifications. As, however, an application for a derogation has since been made by the French Government (*vide* my telegram of the 14th April*), it has been thought well for His Majesty's Government to make a similar application, and the result of the application is shown in the enclosed letter.

3. It will be observed that the list of States specified in the application is the same as that covered by the notification to the French Government mentioned in the preceding paragraph, and it is presumed that your Ministers would agree to a reply being sent to the International Commission, to the effect that they accept the derogation.

4. I shall be glad if a reply to this despatch can be returned by telegraph.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 30.

Commission Internationale de Navigation Aérienne,
Secretariat General.

SIR,

20, Avenue Kleber, Paris, 13th December, 1923.

IN accordance with the provisions of the Additional Protocol to the Convention dated in Paris the 1st of May, 1920, the British Government has made, in the name of Great Britain and Northern Ireland, an application for a derogation from Article 5 in respect of the States signatory to the Air Convention of the 13th October, 1919, which have not yet ratified it, as well as of Spain, Switzerland, Norway, Sweden, Denmark, Holland, Finland, Esthonia, Latvia and Monaco.

This application for a derogation was examined in October last by the International Commission for Air Navigation which approved same, the duration thereof being fixed at six months, but the derogation granted will not take effect until after having been expressly accepted by all the Contracting States.

I have the honour, in consequence thereof and in accordance with the said Additional Protocol, to propose such application for a derogation for acceptance by the Governments of the Dominions and of India and to request that you will be so good as to notify me, as soon as possible, of the decisions they make in regard thereto.

I have, &c.,

ALBERT ROPER,
General Secretary.

The Secretary,
Air Ministry,
London.

(3) Article 25.

87

No. 31.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st January, 1923.)

(No. 657.)

MY LORD DUKE, Government House, Ottawa, 14th December, 1922.
WITH reference to Your Grace's despatch of the 13th November, Dominions No. 398,† regarding the adoption of necessary legislation for giving effect to the provisions of Article 25 and paragraph 16 of Annex H of the Convention relating to the Regulation of Aerial Navigation, I have the honour to transmit herewith a copy of a letter from the Department of the Secretary of State for External Affairs setting forth the action that my Government propose to take.

I have, &c.,

BYNG OF VIMY.

* No. 21.

† No. 39 in Dominions No. 87.

Enclosure in No. 31.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 12th December, 1922.

WITH reference to a despatch from the Secretary of State for the Colonies to the Governor-General, dated 13th November, 1922, transmitting copy of a letter from the Secretary-General of the International Commission for Air Navigation regarding the adoption of the necessary legislative or administrative measures for giving effect to the provisions of Article 25 and paragraph 16 of Annex H of the Convention relating to the Regulation of Aerial Navigation, I have the honour to represent that the Canadian authorities have power under Section 38 of the Canadian Air Regulations, 1920, to deal with breaches of the provisions of Annex D of the Convention, whether these breaches occur within or beyond Canadian territory, by the suspension or cancellation of the certificates of persons responsible for such breaches.

The question of whether action may be necessary in the future to obtain further powers to ensure the prosecution and punishment of offenders in the case of breaches committed beyond Canada, will receive consideration.

As regards breaches of paragraph 16 of Annex H, powers exist for the suspension or cancellation for cause of any certificate granted under the Canadian Regulations. The Department of Militia and Defence is prepared to take such action as may be deemed necessary to deal with any properly authenticated infringements which may be reported.

I am to request that His Excellency may be humbly moved to cause the Secretary of State for the Colonies to be informed in the above sense.

I have, &c.,

JOSEPH POPE,
Under-Secretary of State for External Affairs.

12081

No. 32.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th March, 1923.)

(No. 21.)

MY LORD DUKE,

Wellington, 28th January, 1923.

WITH reference to your despatch Dominions No. 398 of the 13th November,* I have the honour to inform Your Grace that my Ministers advise me that they will take the necessary measures to give effect to the provisions of Article 25 and paragraph 16 of Annex H of the Convention relating to the Regulations of Aerial Navigation, as desired by the International Commission for Air Navigation.

I have, &c.,

JELlicoe,
Governor-General.

25026

No. 33.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th May, 1923.)

(No. 126.)

MY LORD DUKE,

Governor-General's Office, Melbourne, 11th April, 1923.

WITH reference to Your Grace's despatch dated 13th November, 1922, Dominions No. 398,* covering a copy of a letter from the Secretary-General of the International Commission for Air Navigation regarding the adoption of the neces-

* No. 39 in Dominions No. 87.

sary legislation or administrative measures for giving effect to the provisions of Article 25 and paragraph 16 of Annex H of the Convention relating to the regulation of Aerial Navigation, I have the honour, at the instance of my Prime Minister, to inform you that the provisions of Article 25 of the Convention for the Regulation of Air Navigation have been brought into force in Australia by the Air Navigation Regulations (Statutory Rule No. 33 of 1921) issued under powers conferred by the Commonwealth Air Navigation Act, 1920.

The provisions of Annex H of the Convention were not included in the Air Navigation Regulations, and so brought into operation, as this section of the Convention referred mainly to Customs matters.

It is proposed to insert a provision in the Customs Act to cover the importation and exportation of goods by air vessels of all kinds, and also the report and clearance thereof, upon the same lines as for the control of surface vessels. For this reason and to avoid overlapping of functions the Customs authorities asked that provisions relating to Customs requirements be not included in the proposed Air Navigation Regulations.

The Commonwealth Government has, however, full power under its Air Navigation Regulations to suspend, either for a limited time or permanently, the Certificate of any aircraft which may infringe the Customs or Quarantine Regulations of Australia, and, should such action be taken in the case of visiting aircraft belonging to other contracting States, full information will be forwarded to the International Commission for Air Navigation for further action by the Commission with the State concerned.

I have, &c.,
FORSTER,
Governor-General.

(4) Article 34: Proposed Amendment.

19917

No. 34.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 3.30 p.m., 8th May, 1923.)

TELEGRAM.

[Answered by Nos. 35, 36, 37 and 38.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

8TH MAY. Confidential. Belgian representative on International Air Commission has put forward proposal that Article 34 Air Convention should be amended to following effect:—

(i) Each State represented on Commission should have only one vote, British Empire as at present counting as one State for voting purposes.

(ii) Majority required for any modification of Annexes of Convention should include at least three of following five States: United States of America, British Empire, France, Italy, Japan.

French representative has proposed further amendment that expenses of Commission should be apportioned as follows: Two shares each by United States of America, British Empire, France, Italy, Japan, and one share each by all other Contracting States.

Question was discussed at last meeting of Commission, and at request of British Representative deferred until meeting to be held in June, in order to allow time to ascertain views of Dominions and India.

Provisions of Article 34 in its present form, by giving preponderance of votes to principal Allied and Associated Powers, have deterred former neutral and enemy States from adhering to Convention and have also proved unpalatable to smaller Contracting States. Your Ministers will appreciate that adhesion of European States generally would be of advantage from point of view of British Empire as

removing possibility of formation of separate Convention by Germany and certain other Central European States which might serve to block route from United Kingdom to East. For this reason Air Council strongly impressed with desirability of removing obstacle to adhesion presented by existing allocation of votes. Amendment is likely to be generally acceptable to Contracting States, and both France and Japan, whose voting power, like our own, would be reduced by it from present figure of two votes to one, have expressed themselves as in agreement. Amendment would not affect existing provisions of Article 34 as to representation of Great Britain, the Dominions, and India on International Air Commission and their right of veto with regard to proposals for amendment of Convention as distinct from Annexes. In the circumstances Air Council would wish their representative at next meeting of Commission to support proposal, and hope that your Ministers will concur in similar attitude being adopted on their behalf. If amendment finally adopted present practice as to casting of British Empire vote at meeting of Commission would not be substantially altered, as there would, of course, be consultation before hand on any point of doubt.

Please telegraph reply.—DEVONSHIRE.

26182

No. 35.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.45 a.m., 26th May, 1923.)

TELEGRAM.

26TH MAY. Confidential. Your telegram of 8th May,* Article No. 34 Air Convention. My Government is willing to accept French and Belgian amendments as outlined in your telegram.—GOVERNOR-GENERAL.

26196

No. 36.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.50 a.m., 26th May, 1923.)

TELEGRAM.

26TH MAY. Your telegram 8th May,* Article 34, Air Convention. Commonwealth Government concurs in support of Belgian proposal.—GOVERNOR-GENERAL.

26447

No. 37.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4.32 p.m., 26th May, 1923.)

TELEGRAM.

26TH MAY. Confidential. Your telegram of 8th May,* Confidential. Ministers have no objection to amendment of Article 34 Air Convention proposed by the Belgian representative. As regards French amendment regarding apportionment of expenses Brigadier-General Brink, who will be Union representative at June meeting in London of Commission, has been instructed to confer and act in conjunction with British representative in this connexion.—ARTHUR FREDERICK.

* No. 34.

29082

No. 38.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.25 p.m., 9th June, 1923.)

TELEGRAM.

[Answered by No. 39.]

9TH JUNE. Confidential. Your telegram of 8th May,* proposal put forward by Belgian and French representatives for amendment to Article 34 of Air Convention. Prior to receipt of this telegram Canadian Government was disposed to consider more acceptable original proposal of Belgium whereby each Contracting State would have one vote, but it appreciates the difficulties of European States as indicated in your telegram, and desirability of increasing number of Contracting States and obtaining adherence of as many Powers as possible to Convention, and agrees that present allocation of votes is not satisfactory and will, therefore, not press its views at present. At the same time it is not considered that this country should permanently accept position which would give her only one-sixth of a vote, and it is therefore suggested that any amendment adopted should be subject to reconsideration either at fixed date, say, 1st January, 1926, or when number of adhering States reaches fixed number, say, 30; and, while it can be readily understood that, as long as the number of States adhering to the Convention is small, voting power of six held by British representatives might well be objected to by other countries, as number of States increases, grounds of this objection tend to disappear, and six votes out of total thirty could not be considered disproportionate considering variety of conditions, extent of territories, and probable development of aviation in British Commonwealth.—BYNG.

44303

No. 39.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.55 p.m., 17th October, 1923.)

TELEGRAM.

[Answered by Nos. 41, 42, 43 and 44.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

17TH OCTOBER. My telegram 8th May.* Proposed amendments Article 34 Air Convention were adopted by International Commission in June and have been embodied in Protocol, copies of which were enclosed in my despatch 12th September, Dominions Treaty 32.† Proposed that Protocol should be signed on behalf of His Majesty's Government and subsequently ratified by His Majesty. Do your Ministers desire signature and ratification on their behalf, and, if so, whom do they nominate to sign?

[To Canada only: Suggestion made your telegram 9th June‡ that amendments should be subject to reconsideration later was represented to Commission who agreed that, although embodiment of such stipulation in Protocol would be undesirable for various reasons, record should be inserted in Minutes of Session of wishes of Canadian Government.]—DEVONSHIRE.

* No. 34. — † 44303: not printed; it enclosed a copy of the Protocol (see Treaty Series 1925, No. 13.)

‡ No. 38.

44303

No. 40.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 19th October, 1923.

WITH reference to my despatch No. 407 of the 10th July,* I have the honour to request Your Excellency to inform your Ministers that, at a meeting of the International Commission on Aerial Navigation early in the year, the Belgian representative on the Commission put forward a proposal that Article 34 of the Aerial Navigation Convention, 1919, should be amended to the following effect:—

(I) Each State represented on the Commission should have only one vote, the British Empire as at present counting as one State for voting purposes.

(II) The majority required for any modification of the Annexes of the Convention should include at least three of the following five States: the United States of America, the British Empire, France, Italy and Japan.

2. The French representative proposed a further amendment that the expenses of the Commission should be apportioned as follows:—

Two shares each by the United States of America, the British Empire, France, Italy and Japan, and one share each by all other Contracting States.

3. The provisions of Article 34 in its present form, by giving a preponderance of votes to the Principal Allied and Associated Powers, have deterred former neutral and enemy States from adhering to the Convention and have also proved unpalatable to the smaller Contracting States. As your Ministers will appreciate, the adherence of the European States generally would be of advantage, as removing the possibility of the formation of a separate Convention by Germany and certain other Central European States, which might serve to block the route to the East. For this reason, the Air Council were strongly impressed with the desirability of removing the obstacle to adherence presented by the existing allocation of votes. Both France and Japan, whose voting power also would be reduced by the first amendment from the present figure of two votes to one, had expressed themselves as in agreement with the amendments which would not affect the existing provisions of Article 34 as to the representation of Great Britain, the Dominions and India on the Commission and their right of veto with regard to proposals for the amendment of the Convention as distinct from its Annexes.

4. In the circumstances, the Air Council felt it desirable that their representative at the meeting of the Commission, at which the proposed amendments were considered, should support the proposals, and the Governments of Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa, who were consulted as to the amendments, concurred in a similar attitude being adopted on their behalf.

5. At the meeting of the Commission held in June, the amendments were adopted, and they have now been embodied in a Protocol, of which a copy is enclosed.† According to the provisions of the Protocol and of Article 34 of the Convention, the amendments will not take effect until after the deposit, at the seat of the Commission, of the ratifications of all States at present Contracting Parties to the Convention.

6. I should be glad to learn whether your Ministers would desire that the Protocol should be signed on their behalf, if arrangements can be made to this effect, and subsequently ratified on their behalf by His Majesty. If arrangements can be made, signature of the Protocol on behalf of the Irish Free State would be a convenient method of securing recognition of the inclusion of the Irish Free State amongst the "British Dominions" which, in accordance with Article 40 of the Convention, are to be deemed to be States for the purposes of the Convention.

7. The Governments of Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa are being consulted with regard to the question of signature and ratification of the Protocol on their behalf.

I have, &c.,

DEVONSHIRE.

* No. 14. † Not reprinted; see Treaty Series 1925, No. 13.

51634

No. 41.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.37 a.m., 23rd October, 1923.)

TELEGRAM.

23RD OCTOBER. Your telegram of 17th October.* Amendment of Article 34 Air Convention. My Ministers would be glad if you would ask Mr. Massey to sign the Protocol on behalf of New Zealand.—JELlicoe.

51809

No. 42.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.50 p.m., 24th October, 1923.)

TELEGRAM.

24TH OCTOBER. Your telegram of 17th October.* Ministers nominate the High Commissioner for the Union of South Africa in London to sign the Protocol relative to the amendment of Article 34 of the Convention for regulation of Aerial Navigation.—ARTHUR FREDERICK.

52792

No. 43.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.10 p.m., 30th October, 1923.)

TELEGRAM.

30TH OCTOBER. Your despatch of 12th September. Dominions Treaty 32,† Aerial Navigation. In view of the Canadian Government, High Commissioner for Canada may be requested to sign the Protocol on their behalf.—BYNG.

58129

No. 44.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.31 a.m., 27th November, 1923.)

TELEGRAM.

27TH NOVEMBER. Your telegram of 17th October,* Article 34 Air (?Convention omitted). Commonwealth Government desires that Protocol be signed and ratified on its behalf, and nominates General Sir W. Sefton Brancker to sign for it.—FORSTER.

(5) Position of the Irish Free State and Newfoundland.

9635

No. 45.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 23rd February, 1923.)

[Answered by No. 46.]

SIR,

Foreign Office, S.W.1., 22nd February, 1923.

WITH reference to the recent correspondence between your Department and the Air Ministry, regarding the status of Newfoundland for the purposes of the International Convention for the regulation of Aerial Navigation, and to previous

* No. 39. † 44308: not printed; it enclosed a copy of the Protocol. (See Treaty Series 1925, No. 13.)

517

210

correspondence between this Department and yours on the same subject, I am directed by the Marquess Curzon of Kedleston to state, for the information of the Duke of Devonshire, that, after further examination of the question generally, and with particular regard to the considerations set forth in your letter of 8th July last,* he feels unable to modify the opinion given in the letter from this Department of 26th June last.†

2. The signature affixed to the Convention on behalf of Great Britain (under a full power drawn in general terms without special mention of Newfoundland), covered all parts of the British Empire except those which were specifically recited in the preamble, and which signed separately on their own behalf. All parts of the Empire included in the first category can only be treated, or have been intended to be treated, as an indivisible whole. Indeed, in order to obviate any doubt as to the position even of India and of the four Dominions, which signed independently, their separate existence as states for purposes of the Convention was stipulated in terms in the instrument itself (Article 40). In effect, the only ground on which treatment equal to that accorded to the signatory Dominions could be claimed on behalf of Newfoundland would be that the word "Dominions," as used in Article 40, was expressly intended to include Newfoundland. On that point, the Secretary of State, for the reasons given in the letter from this Department† already referred to, still fails to see how such an interpretation could be substantiated. That this view is the one which would almost certainly be taken by the other parties to the Convention, is borne out by the fact that the Secretary of the International Commission for Air Navigation, when recently notified‡ of the intention of the Government of Newfoundland to postpone the application of the provisions of Article 5 of the Convention, returned the letter on the assumption that it had been written under a misapprehension, inasmuch as Newfoundland, not being a signatory of the Convention, had no independent *locus standi* on the Commission.

3. In expressing what appears to him to be the only possible view the Secretary of State, needless to say, is not prompted by any motive other than the desire to avoid a claim on behalf of Newfoundland being publicly rejected in the event of it being formally put forward. The Duke of Devonshire will doubtless agree that it would be preferable that no such claim should be made rather than be made and fail.

4. The position of the Irish Free State appears to the Secretary of State to be on a different footing. Newfoundland was in existence at the time of the signature of the Convention, and for the purposes of the Convention elected, whether deliberately or by default, to associate herself with Great Britain. The Irish Free State, on the other hand, has only come into existence since the signature of the Convention, and could under no circumstances have signed it separately.

5. A copy of this letter has been sent to the Air Ministry.

I am, &c.,

G. H. VILLIERS.

9635

No. 46.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 47.]

SIR,

Downing Street, 29th June, 1923.

I AM directed by the Duke of Devonshire to request you to inform the Marquess Curzon of Kedleston that he has had under consideration your letter of the 22nd February,§ regarding the status of Newfoundland for the purposes of the International Convention for Aerial Navigation, 1919.

2. The first sentence of paragraph 2 of your letter raises a number of important questions, but the Secretary of State does not on the present occasion desire to discuss these, since it is admitted that the signature of the Convention by the representative of His Majesty's Government committed Newfoundland to acceptance of the Convention, subject to her eventual agreement to ratification.

3. The Secretary of State does not, however, understand the second sentence of paragraph 2, having regard to the provisions of the second paragraph of Article 1 of the Convention, which only includes with the Mother Country its "Colonies,"—an expression which cannot be construed as including Newfoundland.

* No. 22 in Dominions No. 87. † No. 18 in Dominions No. 87. ‡ See enclosure in No. 4. § No. 45.

4. As regards the third sentence of paragraph 2, it will be recollected that it was originally proposed that the Convention should include a "Colonial Article," by which the stipulations of the Convention would only have applied to the Dominions and Colonies, if notice of accession were given on their behalf, and similarly the Convention could have been terminated separately in respect of any of the Dominions and Colonies. In this connexion, I am to invite reference especially to your letters of the 18th February, 1919,* and of the 12th March, 1919,† This proposal was eventually abandoned in favour of the existing wording of the Convention, but it must be supposed that the intention of the wording actually adopted was the same as that of the proposed "Colonial Article," viz., that each of the Dominions should have an opportunity of considering the provisions of the Convention before becoming bound by it, and that any Dominion which had accepted the Convention should be free to withdraw separately later. The first of these objects was secured in the case of Newfoundland by the fact that the Newfoundland Government were consulted as to ratification, in accordance with the regular constitutional procedure. In order to secure the second object, it seems necessary to hold that Newfoundland, equally with the other Dominions, is a "State" under Article 40.

5. As regards the latter part of paragraph 3 of your letter, there are obvious limits to the principle of the separate status of the Dominions for the purposes of the Convention, which have already been discussed. Apart from the question of voting power, which is dealt with in Article 34 of the Convention, there are limits arising from the internal circumstances of the British Empire, e.g., in connexion with the application of Article 7. Consequently, the reference in Article 40 to the British Dominions must be construed with regard to those circumstances, and on such a point, the Secretary of State cannot regard the Secretary of the International Air Commission as possessing authority.

6. As has been indicated in previous correspondence, the matter would not be of great importance if only Newfoundland were affected, but the Secretary of State attaches importance to the question in view of its bearing on the position of the Irish Free State. It appeared to him that the end in view could most satisfactorily be secured if the expression "the British Dominions" in Article 40 could be interpreted as including all the self-governing Dominions existing at any given time. This interpretation does not appear to him to present any greater difficulty than that suggested in paragraph 4 of your letter, viz., that the expression included the four Dominions, whose representatives signed the Convention, and any others which might be created in future, but excluded a Dominion existing at the time of signature, merely because its representative did not sign the Convention separately.

7. In this connexion, it will be observed that the expression "the British Dominions" used in Article 40 of the Convention is that used in Article 296 (e) of the Treaty of Versailles, dealing with the establishment of Clearing Offices for the settlement of enemy debts (where also the Colonies and Protectorates are grouped with the Mother Country). No doubt has hitherto been raised as to the inclusion of Newfoundland among the British Dominions for this purpose, and in actual fact notice was given to Germany under Article 296 (e) of the desire of the Newfoundland Government to adopt the Clearing Office system (*vide* your letter of the 25th February, 1920†), and Newfoundland has since been regarded as being on the same footing as the other Dominions which adopted the system.

8. It will also be recollected that it has been held that, for the purposes of the Labour Clauses of the Treaty of Versailles, the position of Newfoundland is not assimilated either to that of the Mother Country or to that of the Colonies, and that, although Newfoundland is not separately represented in the International Labour Organization, the requirements of the Treaty are satisfied if draft Labour Conventions and Recommendations are merely communicated to the Newfoundland Government for such action as they think fit. In this connexion, I am to invite

* 10856: not printed; it expressed concurrence in the proposal that provisions should, if possible, be inserted in the convention to the effect that its stipulations should not be applicable to any of the Dominions, Colonies, Possessions or Protectorates beyond the Seas of the High Contracting Parties, unless notice of accession were given and that separate notice of denunciation might be given in respect of any Dominion, etc., which had acceded. † 15945: not printed; it dealt with the wording of the proposed provisions referred to under *.

† 10960: not printed; it enclosed copies of correspondence with the German Government as to the notice given on behalf of Newfoundland.

reference to paragraph 2 of the letter from this Department of the 13th April, 1922,* and to the letter to the Ministry of Labour of the 6th January, 1921,† of which a copy was enclosed therein.

9. A copy of this letter is being sent to the Air Ministry.

I am, &c.,

C. T. DAVIS.

37373

No. 47.

FOREIGN OFFICE to COLONIAL OFFICE.

[Answered by No. 48.]

SIR,

Foreign Office, S.W.1, 25th July, 1923.

I AM directed by the Marquess Curzon of Kedleston to acknowledge the receipt of your letter of the 29th ultimo‡ regarding the present position of Newfoundland, and the future position of the Irish Free State, under the International Convention for Aerial Navigation, 1919, and to offer the following observations thereon:—

Paragraph 3.—The word "colonies" in Article 1 of the Convention is used in its wider sense, i.e., colonial possessions generally. This is the sense usually attributed to it in international usage, and there would be considerable difficulty in obtaining acceptance of the narrower, more technical, interpretation by the other signatories, who regard the distinctions in status between different parts of the British Empire as a matter of domestic rather than international concern.

Paragraph 4.—While it is true that the inclusion in the Convention of a "colonial clause," such as was at one time contemplated, would have provided for the separate withdrawal of any colonial territory which had acceded, it is doubtful whether this privilege can be claimed under the wording of the Convention as signed. However that may be, it would not appear to affect the question of Newfoundland's right, or otherwise, to a separate seat on the International Commission for Air Navigation, which was the point of departure of the present discussion, and of which the sole test is the interpretation of the word "Dominions" as used in Article 34 and other articles of the Convention.

Paragraph 5.—The Secretary of State does not altogether follow the argument, but in any case he agrees that the Secretary of the International Air Commission is not an authority qualified to interpret the Convention. The fact of his having taken the step referred to was mentioned merely to show that the Secretary of State is not alone in his view of the point under discussion.

Paragraph 6.—It appears far from certain that the interpretation of the expression "the British Dominions" suggested in your letter could be upheld with any prospect of success. In the event of it becoming necessary to appeal to the Permanent Court of International Justice, the decision would in all probability be that the word "Dominions," wherever it occurs in the Convention, must be taken to refer to those Dominions which are specifically mentioned in the instrument itself.

Paragraph 7.—As the notification made to the German Government applied to all parts of the Empire, to the exclusion only of certain stated exceptions, the precise category under which Newfoundland was classified was not material to the German Government, who in any event were not likely to challenge it. The fact that they did not do so affords no guide as regards a case where numerous other Powers are concerned, some at least of whom might be expected to resist what rightly or wrongly they would regard as an attempt to claim for the British Empire advantages in excess of those to which it is legally entitled.

Paragraph 8.—The argument advanced appears to weaken rather than to strengthen the theory upheld by your Department. The fact that Newfoundland is not separately represented on the International Labour Organization seems if anything to indicate a position of inferiority as compared with the Dominions which are independent members of the Organization, and have assumed obligations on their own account under the labour clauses of the Treaty of Versailles.

* No. 133 in Dominions No. 87.

† No. 121 in Dominions No. 81.

‡ No. 46.

2. The above observations are not intended to be an exhaustive reply to the arguments set out in your letter, so much as a cursory indication of their vulnerability. The whole discussion seems somewhat purposeless since the Government of Newfoundland have not themselves raised the question, and the interest of the Secretary of State for the Colonies is in the main confined to the bearing on the position of the Irish Free State in relation to the Convention. Lord Curzon has already expressed his opinion that the Free State is on a different footing from Newfoundland, and he still thinks that the best prospect of obtaining for the former a position in relation to the Convention equal to that of the signatory Dominions, would be on the ground that the Free State was not in being at the time of the signature of the Convention, that it has since come into existence with the status of a fully self-governing Dominion, and that it should therefore both assume the same obligations and enjoy the same privileges as the original signatory Dominions.

3. His Lordship fears, however, that such a claim will be seriously compromised by the failure of the Free State to sign the protocol amending Article 5 of the Convention, a matter which is dealt with separately in your letter of the 13th instant.* Such failure would either constitute in itself an admission that the Irish Free State has no separate position for the purposes of the Convention; or conversely, supposing such a contention could be successfully refuted, would have the effect of invalidating the amendment, since any modification of the articles of the Convention, before it can become effective, must be formally adopted by all the parties to the instrument (Article 34).

4. Lord Curzon is not aware of the grounds of the Duke of Devonshire's objection to inviting the Irish Free State to sign the protocol. In the absence, however, of some overwhelming reason, he would strongly urge His Grace to reconsider his decision in the interest itself of the Free State's position in relation not only to this Convention but to all other international instruments in the same category, for which it would constitute a precedent. On the other hand, the acceptance unchallenged of the Free State's separate signature of the protocol (whether it appoints its own special representative or delegates His Majesty's Representative in Paris is immaterial) would furnish a strong argument in its favour when the time comes to press its claim for rights equal to those of the original signatories. If such a step were not to pass unchallenged, nothing would be lost, since the question must be threshed out sooner or later.

5. The matter is one of considerable urgency as, for several reasons which need not here be discussed, it is desirable to proceed as soon as possible with the ratification of the protocol. As matters at present stand, the King's ratification would have to be drawn without specific mention of the Irish Free State which could then only be covered by it generically as part of the British Empire in the same way as it was covered by the original signature of the Convention by His Majesty's Government.

I am, &c.,
R. H. CAMPBELL.

37373

No. 48.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 20th August, 1923.

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letter of the 25th July† regarding the position of Newfoundland and the Irish Free State in relation to the International Aerial Navigation Convention of 1919.

2. The Secretary of State is not wholly convinced by the arguments set forth in your letter, but he does not think it necessary to pursue the discussion of the matter as it has been agreed semi-officially that action might be deferred, as regards Newfoundland, indefinitely and, as regards the Irish Free State, until the Irish Free State has become a separate Member of the League of Nations.

* 23672: not printed; this intimated that, as the Protocol provided for a relaxation of the provisions of the Convention and imposed no obligations, it was not considered necessary formally to consult the Irish Free State Government as to signature on behalf of the Free State.

† No. 47.

3. Meanwhile, the Secretary of State would suggest that steps should be taken forthwith for His Majesty's ratification of the Protocol amending Article 5 of the Convention, without raising any question of the separate signature of the Protocol on behalf of the Irish Free State.

I am, &c.,
C. T. DAVIS.

AFGHANISTAN.

Trade Convention, 1923.

(Treaty Series, 1923, No. 21.)

38550

No. 49.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 299.)

[MY LORD,] [SIR,]

Downing Street, 10th August, 1923.

WITH reference to my despatch Dominions No. 9 of the 3rd January,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, the accompanying copy of an Anglo-Afghan Trade Convention,† signed at Kabul on the 5th of June, 1923.

I have, &c.,
DEVONSHIRE.

43123

No. 50.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 531.)

SIR,

Downing Street, 5th September, 1923.

I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copies of the Anglo-Afghan Trade Convention† signed at Kabul on the 5th of June, 1923, together with copies of a Parliamentary Paper Cmd. 1786 (Treaty Series No. 19, 1922), containing the text of the Treaty between the British and Afghan Governments signed on the 22nd of November, 1922, to which reference is made in the Preamble to the Convention.

I have, &c.,
DEVONSHIRE.

* 64200: not printed; it enclosed copies of Treaty Series 1922, No. 19.
No. 21, for text.

† See Treaty Series 1923,

44146

No. 51.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland. (Irish Free State. No. 554.)	} Dominions No. 349.)
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[MY LORD,] [SIR,] Downing Street, [17th] [14th] September, 1923.
WITH reference to my despatch [Dominions No. 299 of the 10th of August,*]
[No. 531 of the 5th of September,†] I have the honour to transmit to [Your
Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, copies
of notes exchanged with the Afghan Minister in London on the 4th of August
relative to the Convention between the British Government and the Government of
Afghanistan relating to commercial matters which was signed at Kabul on the
5th of June, 1923.

[To Irish Free State only: 3. Similar despatches are being sent to the other
self-governing Dominions.]

I have, &c.,
DEVONSHIRE.

Enclosure 1 in No. 51.

SIR, Foreign Office, S.W.1, 4th August, 1923.
I TRANSMIT to you herewith in original the Convention between the British
Government and the Government of Afghanistan relating to commercial matters,
which was signed by the plenipotentiaries of the two Governments at Kabul on the
5th June, 1923 (corresponding to the 15th Jauza, 1302, Hijri Shamsi), counter-
signed by me, in witness that His Britannic Majesty's Government, having seen
and considered that Convention, hereby approve, accept, confirm and ratify it,
engaging and promising sincerely and faithfully to perform and observe all and
singular the things which are contained and expressed therein.

2. It is understood between His Britannic Majesty's Government and the
Afghan Government that this exchange of ratifications takes effect as from this
day, 4th August, 1923, from which date the Convention aforesaid has come into
force.

I have, &c.,
CURZON OF KEDLESTON.

Abdul Hadi Khan,
&c., &c., &c.

Enclosure 2 in No. 51.

SIR, Afghanistan Legation, London, 4th August, 1923.
I TRANSMIT to you herewith in original the Convention between the Afghan
Government and the Government of Great Britain relating to commercial matters,
which was signed by the plenipotentiaries of the two Governments at Kabul on the
5th June, 1923 (corresponding to the 15th Jauza, 1302, Hijri Shamsi), counter-
signed by Mohammad Wali, the Minister for the Foreign Affairs of Afghanistan,
in witness that the Afghan Government having seen and considered that Convention
hereby approve, accept, confirm and ratify it, engaging and promising sincerely
and faithfully to perform and observe all and singular the things which are
contained and expressed therein.

* No. 49. † No. 50.

2. It is understood between the Afghan Government and His Britannic
Majesty's Government that this exchange of ratifications takes effect as from
this day, 4th August, 1923, from which date the Convention aforesaid has come
into force.

I have, &c.,
Signed in Arabic (ABDUL HADI KHAN),
Envoy Extraordinary and Minister Plenipotentiary
of Afghanistan to the Court of St. James.

Marquess Curzon of Kedleston,
Secretary of State for Foreign Affairs.

60503

No. 52.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 738.)

SIR, Downing Street, 20th December, 1923.
WITH reference to my despatch No. 554 of the 14th September* regarding
the exchange of notes with the Afghan Minister in London on the 4th of August
relative to the Convention between the British Government and the Government of
Afghanistan relating to commercial matters, which was signed at Kabul on the
5th June, 1923, I have the honour to request Your Excellency to inform your
Ministers that it is proposed to inform the Afghan Minister, when copies of the
United Kingdom tariff schedules are handed to him, in accordance with Article IV
of the Convention, that the expression "United Kingdom" throughout the Conven-
tion includes Northern Ireland but does not include the Irish Free State.

I have, &c.,
DEVONSHIRE.

ANTARCTIC.
Future Control.

801

No. 53.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

MY LORD, Downing Street, 1st February, 1923.
I HAVE the honour to refer to my telegram of the 8th January,† in which
I informed you that the Law Officers of the Crown have now advised that the
transfer of the administration of the Ross Sea area could not be effected by the
issue of Letters Patent.

The opinion of the Law Officers is that discovery offers an inchoate title which
is perfected by occupation or by acts of ownership exercised over a long period and
acquiesced in by other Powers. It follows that it would be unwise to proceed by
way of annexation in the Antarctic, and that His Majesty's Government is right
to assert existing British sovereignty in the region in question. If this course is
adopted, in their opinion it is impossible to resist the conclusion that the territories
in question are "British possessions" which have not been acquired by cession or
by conquest, and therefore that they are "British Settlements" within the British
Settlements Act, 1887.

But in their opinion it is possible to confer upon you the powers proposed in
the draft Letters Patent, printed in the Secret Memorandum of March, 1921.‡ This,
however, can only be done by Order in Council, and not by way of Letters Patent.

If an Order in Council is made on the lines of the draft Letters Patent it does
not, in their opinion, involve any alteration of the boundaries of the Dominion of
New Zealand. There is nothing unconstitutional in entrusting such powers to the

* No. 51. † 801: not printed; it summarized the Law Officers' opinion. ‡ Dominions No. 78.

Governor-General of a British Dominion without incorporating the territory for which the powers are to be exercised in that Dominion provided that the consent of the Dominion Ministry is first obtained. It would, therefore, be unnecessary to proceed under the Colonial Boundaries Act of 1895.

I have accordingly caused a draft Order to be prepared, a copy of which is enclosed herewith, for the consideration of your Ministers. I regret that the memorandum prepared in this Office was incorrect as to the form of instrument required, but it does not appear that any practical inconvenience results from the substitution of an Order in Council for Letters Patent.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 53.

DRAFT ORDER IN COUNCIL.

WHEREAS by the British Settlement Act, 1887, it is, amongst other things, enacted that it shall be lawful for His Majesty in Council from time to time to establish all such laws and institutions and constitute such courts and officers as may appear to His Majesty in Council to be necessary for the peace, order and good government of His Majesty's subjects and others within any British settlement:

And Whereas the coasts of the Ross Sea, with the islands and territories adjacent thereto, between the 160th degree of East Longitude and the 150th degree of West Longitude, which are situated south of the 60th degree of South Latitude, are a British settlement within the meaning of the said Act:

And Whereas, it is expedient that provision should be made for the government thereof:

Now, Therefore, His Majesty, by virtue and in exercise of the powers by the said Act, or otherwise, in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

I. From and after the publication of this Order in the *Government Gazette* of the Dominion of New Zealand that part of His Majesty's Dominions in the Antarctic seas, which comprises all the islands and territories between the 160th degree of East Longitude and the 150th degree of West Longitude, which are situated south of the 60th degree of South Latitude shall be named the Ross Dependency.

II. From and after such publication as aforesaid, the Governor-General and Commander-in-Chief of the Dominion of New Zealand for the time being (hereinafter called the Governor) shall be the Governor of the Ross Dependency; and all the powers and authorities which by this Order are given and granted to the Governor for the time being of the Ross Dependency are hereby vested in him.

III. In the event of the death or incapacity of the said Governor-General and Commander-in-Chief of the Dominion of New Zealand, or in the event of his absence from the said Dominion, the Officer for the time being administering the government of the Dominion shall be Governor for the time being of the Ross Dependency.

IV. The said Governor is further authorized and empowered to make all such Rules and Regulations as may lawfully be made by His Majesty's authority for the peace, order and good government of the said Dependency, subject, nevertheless, to any instructions which he may from time to time receive from His Majesty or through a Secretary of State.

V. The Governor is authorized to make and execute, on His Majesty's behalf, grants and dispositions of any lands which may lawfully be granted or disposed of by His Majesty within the said Dependency, in conformity with such Rules and Regulations as may from time to time be in force in the Dependency.

34518

No. 54.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10th July, 1923.)

(Secret.)

MY LORD DUKE,

Government House, Wellington, 4th June, 1923.

I HAVE the honour to inform Your Grace that I referred for the consideration of my Ministers your Secret despatch of the 1st February,* together with the draft Order in Council which accompanied it, on the subject of the control of the Ross Sea area of the Antarctic.

2. The Prime Minister has now submitted to me a reply to the effect that the Government of New Zealand concurs in the decision of His Majesty's Government to create the territories in question a Dependency with the Governor-General of New Zealand as Governor, and that it has no amendment to suggest in the draft Order in Council.

I have, &c.,

JELLICOE,

Governor-General.

Note.—An Order in Council in the form of the draft in No. 53 was issued on the 30th July, 1923.

ARBITRATION AGREEMENTS.

(1) France, (2) Italy, (3) Spain, (4) United States.

(1) *Treaty Series* 1923, No. 20; (2) *Treaty Series* 1923, No. 22; (3) *Treaty Series* 1924, No. 16; (4) *Treaty Series* 1924, No. 8.

11540

No. 55.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 57, 58, 60, 61 and 62.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 81.)

[MY LORD,] [SIR,]

Downing Street, 10th March, 1923.

WITH reference to Viscount Milner's despatch Dominions No. 389 of the 16th May, 1919,† I have the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that the following Arbitration Agreements with foreign countries which are renewable at intervals of five years will expire on the dates mentioned, unless formally renewed:—

France—Agreement of 14th October, 1903—14th October, 1923.

Italy—Agreement of 1st February, 1904—1st February, 1924.

Spain—Agreement of 27th February, 1904—27th February, 1924.

United States—Convention of 4th April, 1908—4th June, 1923.

2. His Majesty's Government propose, in accordance with the established policy, which, they understand, is in harmony with the views of your Ministers, to take steps for the renewal of these Agreements and Convention in due course.

3. I should be glad to learn by telegraph whether your Ministers agree.

I have, &c.,

DEVONSHIRE.

* No. 53.

† No. 49 in Dominions No. 75.

11540

No. 56.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 59.]

(No. 165.)

SIR,

Downing Street, 24th March, 1923.

I HAVE the honour to request Your Excellency to inform your Ministers that the following Arbitration Agreements with foreign countries which are renewable at intervals of five years will expire on the dates mentioned unless formally renewed:—

France—Agreement of 14th October, 1903--14th October, 1923.

Italy—Agreement of 1st February, 1904-1st February, 1924.

Spain—Agreement of 27th February, 1904-27th February, 1924.

United States—Convention of 4th April, 1908-4th June, 1923.

2. I enclose copies of Parliamentary Papers* containing the text of these Agreements and Convention and documents relating to their renewal.

3. His Majesty's Government propose, in accordance with the established policy, which, they understand, is in harmony with the views of the Governments of the other self-governing Dominions, to take steps for the renewal of these Agreements and Convention in due course.

4. I shall be glad to be informed at an early date whether your Ministers agree.

5. Similar despatches have been sent to the Officers Administering the Governments of the other self-governing Dominions.

I have, &c.,

DEVONSHIRE.

16852

No. 57.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.30 p.m., 3rd April, 1923.)

TELEGRAM.

3RD APRIL. Your despatch of 10th March, Dominions No. 81.† Canadian Government concurs in proposal of His Majesty's Government to take steps for renewal of the Agreements with France and Italy and Spain, and Convention with United States respecting arbitration.—GOVERNOR-GENERAL.

19801

No. 58.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.30 p.m., 19th April, 1923.)

TELEGRAM.

19TH APRIL. Your despatch 10th March, No. 81.† Renewal of Arbitration Agreements and Convention. My Ministers have no objection.—ARTHUR FREDERICK.

21218

No. 59.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 28th April, 1923.)

(No. 113.)

MY LORD DUKE,

Vice-regal Lodge, Dublin, 27th April, 1923.

I HAVE the honour to refer to Your Grace's despatch of the 27th [24] ultimo, No. 165,† acquainting my Government of the proposed renewal of Arbitration Agreements with France, Italy, and Spain, and of an Arbitration Convention with

* Treaty Series No. 18 of 1903, No. 3 of 1904, No. 4 of 1904, No. 21 of 1908, and No. 2 of 1919.

† No. 55. † No. 56.

the United States and to inform Your Grace that my Ministers have no comment or objection to make with regard to the proposed action of His Majesty's Government.

I have, &c.,

T. M. HEALY.

22178

No. 60.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 7.40 a.m., 3rd May, 1923.)

TELEGRAM.

2ND MAY. Your despatch of 10th March, Dominions No. 81.* Ministers concur in proposal for renewal of these Agreements and Convention.—ALLARDYCE.

23775

No. 61.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.29 a.m., 11th May, 1923.)

TELEGRAM.

11TH MAY. Your despatch of 10th March, Dominions No. 81.* Government of New Zealand concurs with His Majesty's Government's proposal to renew the Arbitration Agreements with France, Italy, Spain, and Arbitration Convention with United States for a further period of five years.—JELlicoe.

26084

No. 62.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.45 a.m., 25th May, 1923.)

TELEGRAM.

25TH MAY. Your despatch of 10th March, Dominions No. 81.* Arbitration Agreements. Commonwealth Government concur in course proposed.—GOVERNOR-GENERAL.

43390

No. 63.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(Irish Free State. No. 549.)

Dominions No. 345.)

[MY LORD,] [SIR,]

Downing Street, 13th September, 1923.

WITH reference to my despatch [Dominions No. 81 of the 10th of March,*] [No. 165 of the 24th of March,†] I have the honour to request [Your Excellency,] [Your Royal Highness,] [you,] to inform your Ministers that an Agreement for the renewal for five years from the 4th of June, 1923, of the Arbitration Convention with the United States of America of the 4th of April, 1908, was signed by His Majesty's Ambassador at Washington on the 23rd of June.

* No. 55. † No. 56.

2. Copies of notes exchanged between His Majesty's Ambassador and the Secretary of State of the United States of America in connexion with the signature of this Agreement are enclosed.

[To Irish Free State: 3. Similar despatches are being addressed to the other self-governing Dominions.]

I have, &c.,
DEVONSHIRE.

Enclosure 1 in No. 63.

EXCELLENCY,

Department of State, Washington, 23rd June, 1923.

In connexion with the signing to-day of an agreement for the renewal of the Convention of Arbitration concluded between the United States and Great Britain, 4th April, 1908, and renewed from time to time, I have the honour, in pursuance of our informal conversations, to state the following understanding which I shall be glad to have you confirm on behalf of your Government.

On 24th February last, the President proposed to the Senate that it consent under certain stated conditions to the adhesion by the United States to the Protocol of 16th December, 1920, under which the Permanent Court of International Justice has been created at the Hague. As the Senate does not convene in its regular session until December next, action upon this proposal will necessarily be delayed. In the event that the Senate gives its assent to the proposal, I understand that the British Government will not be averse to considering a modification of the Convention of Arbitration which we are renewing, or the making of a separate agreement providing for the reference of disputes mentioned in the Convention to the Permanent Court of International Justice.

Accept, Excellency, the renewed assurance of my highest consideration.

CHARLES E. HUGHES.

The Right Honourable

Sir Auckland Geddes, G.C.M.G., K.C.B.,
Ambassador of Great Britain.

Enclosure 2 in No. 63.

(No. 523.)

SIR,

British Embassy, Washington, D.C., 23rd June, 1923.

I HAVE the honour to acknowledge the receipt of your note of to-day's date in which you were so good as to inform me, in connexion with the renewal of the Arbitration Convention of 4th April, 1908, between Great Britain and the United States, that the President of the United States had proposed to the Senate the adherence of the United States, under certain conditions, to the Protocol of 16th December, 1920, creating the Permanent Court of International Justice at the Hague, and that, if the Senate assents to this proposal, you understand that His Britannic Majesty's Government would be prepared to consider the conclusion of an agreement providing for the reference to the Permanent Court of International Justice of disputes mentioned in the Convention.

Under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to confirm your understanding of His Majesty's Government's attitude on this point, and to state that, if the Senate approve the President's proposal, His Majesty's Government will be prepared to consider with the United States Government the conclusion of an agreement for the reference to the Permanent Court of International Justice of disputes mentioned in the Arbitration Convention.

I have, &c.,
A. C. GEDDES.

The Honourable

Charles E. Hughes,
Secretary of State of the United States,
Washington, D.C.

45603

No. 64.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland. (Irish Free State. No. 577.)	} Dominions No. 368.)
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[MY LORD,] [SIR,]

Downing Street, [26th,] [25th] September, 1923.

WITH reference to my despatch [Dominions No. 345 of the 13th of September,*] [No. 549 of the 13th of September,*], I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of Notes exchanged with the French Government on the 29th of August, renewing for a further period of five years the Arbitration Agreement between Great Britain and France of the 14th of October, 1903.

[To Irish Free State: 2. Similar despatches are being sent to the other self-governing Dominions.]

I have, &c.,
DEVONSHIRE.

Enclosure 1 in No. 64.

British Embassy, Paris, 29th August, 1923.

MONSIEUR LE PRÉSIDENT DU CONSEIL,

By his note of the 6th June last, His Excellency the Marquess of Crewe, His Britannic Majesty's Ambassador, informed Your Excellency that His Britannic Majesty's Government were prepared to renew for a period of five years from the date of its expiration the Arbitration Agreement concluded between our Governments on the 14th October, 1903, and renewed on three occasions since that date.

By your note of the 12th July, Your Excellency was good enough to inform Lord Crewe that the French Government were, on their part, equally prepared to accept the renewal of this Agreement on the conditions indicated by His Majesty's Government.

Should Your Excellency agree, it will be understood that the present note and Your Excellency's reply will serve to place on record the understanding arrived at between our two Governments.

I have, &c.,
ERIC PHIPPS.

His Excellency

Monsieur Raymond Poincaré,

President of the Council,

Minister for Foreign Affairs.

Enclosure 2 in No. 64.

Ministère des

Affaires Etrangères,

Service du Protocole.

MONSIEUR LE MINISTRE,

Republique Française, Paris, le 29 août, 1923.

J'ai l'honneur de vous accuser réception de votre note en date d'aujourd'hui par laquelle vous avez bien voulu me faire connaître que le Gouvernement de Sa Majesté Britannique était disposé à renouveler pour une période de 5 années, à partir de la date de son expiration, la Convention d'Arbitrage conclus entre nos Gouvernements le 14 octobre, 1903, étant entendu que le Gouvernement de la République française fut également prêt à consentir à un tel renouvellement.

* No. 63.

J'ai l'honneur d'accepter de la part du Gouvernement de la République la proposition que la dite Convention d'Arbitrage soit encore renouvelée pour une période de cinq années à partir du 14 octobre prochain. L'échange des notes actuelles entre l'Ambassade d'Angleterre et le Ministère des Etrangères servira à constater l'entente intervenue entre nos deux Gouvernements à ce sujet.

Veuillez agréer, &c.,
R. POINCARÉ.

M. Phipps,
Ministre de Sa Majesté Britannique à Paris.

54989

No. 65.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(Southern Rhodesia. No. 64.)

Dominions No. 434.)

[MY LORD,] [SIR,]
Downing Street, 21st November, 1923.
[Not to Southern Rhodesia: With reference to my despatch Dominions No. 81 of the 10th of March,*] I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of Treaty Series Paper No. 22 of 1923 (Cmd. 1978), containing Notes exchanged on the 14th of August, 1923, further renewing the Anglo-Italian Arbitration Agreement of 1st February, 1904.

[Not to New Zealand: 2. Further copies are being sent in Library despatch.]
I have, &c.,

DEVONSHIRE.

ARMS TRAFFIC CONVENTION.

(Treaty Series 1919, No. 12.)

45619

No. 66.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 579.)

SIR,
Downing Street, 26th September, 1923.
I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a Note† from the Minister for Foreign Affairs of the Argentine Republic to His Majesty's Minister at Buenos Aires relative to the adhesion of the Republic to the Arms Traffic Convention and Protocol of the 10th September, 1919.

2. The Convention is printed in Treaty Series paper No. 12 (1919), copies of which are enclosed. It was signed on behalf of the British Empire, but has not been ratified by His Majesty the King, the position in this respect being as follows. In 1921, the representative of His Majesty's Government at the League of Nations was authorized to state that His Majesty's Government would proceed to ratification as soon as the other Principal Allied and Associated Powers were prepared to ratify, subject to safeguards being provided against the Convention being rendered nugatory by non-signatory States, e.g., the Soviet Government. The Governments of the Dominion Members of the League expressed concurrence in this view. In August, 1922, a memorandum was received from the United States Government

* No. 55.

† Not printed: it notified the adhesion of the Government of the Argentine Republic, subject to the approval of Congress.

intimating that they felt themselves unable to ratify the Convention. A copy of this memorandum is enclosed.* The Third Assembly of the League in 1922 considered the matter and adopted the following resolution:—

"The Assembly considers it highly desirable that the Government of the United States should express the objections which it has to formulate to the provisions of the Convention of St. Germain as well as any proposals which it may care to make as to the way in which these objections can be overcome."

Accordingly a letter was addressed to the United States Government by the President of the Council on the 3rd May, 1923. A copy of this letter is enclosed. It is understood that no reply has yet been received.

3. The following foreign States have ratified the Convention, the ratifications being deposited in Paris on the dates given:—

China, 2nd October, 1920.

Greece, 24th August, 1920.

Portugal, 17th July, 1922.

Siam, 30th March, 1921.

4. The following States (in addition to the Argentine Republic) have acceded to the Convention:—

Brazil, 22nd December, 1919.

Bulgaria, 13th September, 1921.

Chile, 5th August, 1920.

Finland, 30th June, 1921.

Guatemala, 22nd January, 1920.

Haiti, 3rd March, 1920.

Muscat, 9th June, 1921.

Persia, 27th March, 1920.

Peru, 31st January, 1920.

Venezuela, 8th March, 1920.

I have, &c.,

DEVONSHIRE.

Enclosure 4 in No. 66.

SIR,

Geneva, 3rd May, 1923.

I HAVE the honour to inform you that the Council of the League of Nations at its meeting of the 21st April adopted the following resolution:—

"The Council on the proposal of the Temporary Mixed Commission for the Reduction of Armaments, requests its President to ascertain whether the Government of the United States would be disposed to state its views as to the manner in which it would be willing to co-operate with other Governments in the control both of the traffic in arms and the private manufacture of arms."

You are perhaps aware that both the questions of the private manufacture of arms, and that of the international control of the arms traffic have engaged the continuous attention of the Assembly and the Council of the League.

The Convention of Saint-Germain was framed, as you will recall from the records of the American Peace Commission which co-operated in its drafting, with a view to an adequate solution of the Arms Traffic question on a world-wide basis. As it is obvious that this Convention could not fulfil its aim unless ratified by all the manufacturing Powers, the Assembly and the Council, when they first took up the question in 1920, directed their efforts towards this end, and an inquiry was accordingly conducted by the Secretary-General.

The Temporary Mixed Commission, in the report which it submitted to the Assembly on 7th September, 1922, summed up the results of this inquiry in the following terms:—

"The following States have ratified or adhered to the Convention:—

Brazil.

Guatemala.

Chile.

Haiti.

China.

Peru.

Finland.

Siam.

Greece.

Venezuela.

Great Britain, as well as Spain, Canada, New Zealand and South Africa, are prepared to ratify the Convention as soon as all the other principal Powers are willing to do so.

* Sub-enclosure in No. 47 in Dominions No. 87.

France has announced that the President of the Republic has been authorized by the Chamber of Deputies and the Senate to ratify the Convention, and that ratification will be carried out as soon as the principal Signatory Powers shall themselves have taken steps to ratify the Convention.

Italy has expressed her readiness to ratify the Convention as soon as it has been approved by Parliament, and Japan has promised to ratify it with as little delay as possible after its ratification by the other Powers.

A certain number of States, such as Denmark, India, Sweden and Norway, make their ratification conditional on that of all the Signatory Powers, whereas Roumania, Luxemburg, Colombia, Uruguay and Persia declare their willingness to adhere to the Convention.

It will be seen from this statement that the principal Powers which have replied to the inquiry make their ratification depend on that of the other principal Signatory Powers. This reservation would seem to refer especially to the United States of America, which are signatory to the Convention and which had not, up to the present, replied to the invitation addressed to them.

In reply to the Note addressed to the United States on 21st November, 1921, you were good enough to inform the Secretary-General, on 28th July, 1922, that 'while the Government of the United States was in cordial sympathy with efforts to restrict traffic in arms and munitions of war, it found itself unable to approve the provisions of the Convention, and to give any assurance of its ratification.'

The Third Assembly which met shortly afterwards, in September, had therefore to consider the situation thus created.

The Third Committee of the Assembly, referring to this reply, expressed the following opinion:—

"This reply puts an end to the hopes that the Convention of Saint-Germain in its present form would receive general acceptance.

As has already been said, it is most desirable that some Treaty should be universally accepted for the control of the international trade in arms, and that all civilized countries should co-operate in a common policy of regulation.

Whether that can be done, however, depends on the attitude of the United States of America. It is important, therefore, that the Members of the League should endeavour in every way to meet the views of the United States Government, and to secure their co-operation in a common policy."

In the meantime, the work carried out by the Permanent Advisory Commission on Military, Naval and Air questions, and by the Temporary Mixed Commission for the Reduction of Armaments, had led these bodies to the conclusion that the two problems of the private manufacture of arms and the international control of the arms traffic were too closely connected to be dealt with separately, and that the solution of both had to be sought at the same time and by the same methods. The Third Assembly therefore adopted the following resolutions:—

"The Assembly, having noted the proposal of the Temporary Mixed Commission for an international agreement for the control of the manufacture of arms by private companies, urges on the Council to consider the advisability of summoning at an appropriate moment a conference of the Members of the League to embody this agreement in the form of a Convention. The Assembly is further of the opinion that States not Members of the League should be invited to participate in this conference, and to co-operate in the policy on which it may agree.

The Assembly considers it highly desirable that the Government of the United States should express the objections which it has to formulate to the provisions of the Convention of Saint-Germain as well as any proposals which it may care to make as to the way in which these objections can be overcome."

Since these resolutions were taken, the Council and the Temporary Mixed Commission have given their attention to this matter with the result that the Council passed at its last session the resolution quoted at the beginning of this letter. In virtue of this resolution, I have the honour to ask you whether the United States Government would be ready to inform the Members of the League of Nations as to the general lines on which it would be willing to co-operate in an attempt to solve on a universal and permanent basis the two problems of the private manufacture of arms and the international control of the arms traffic.

In order to enable you to form an accurate opinion of the scope and nature of the work carried out on this subject by the organs of the League, I beg to enclose the report of the Temporary Mixed Commission to the Council and that of the Third Committee to the last Assembly, in each of which two chapters are devoted to these questions.

I have, &c.,

Acting President of the Council of the League of Nations.

To Secretary of State,
State Department,
Washington, D.C.,
U.S.A.

50328

No. 67.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions Treaty No. 38.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Irish Free State. No. 618.)	
(Newfoundland. No. 119.)	

[MY LORD,] [SIR,]

Downing Street, 24th October, 1923.

WITH reference to my despatch [Dominions Treaty No. 29 of the 16th of August,*] [No. 579 of the 26th of September,†] [No. 94 of the 16th of August,*] I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's Chargé d'Affaires at Washington, regarding the refusal of the United States Government to ratify the Arms Traffic Convention.

[To Irish Free State only: 2. The following further information, which supplements that contained in my despatch under reference, may be of interest to your Ministers.

3. In May, 1920, in view of the failure of the United States Government to enact legislation to enable them to give full effect to the intention of the signatories, His Majesty's Ambassador at Paris was instructed to propose to the Council of Ambassadors that the Protocol should be regarded as applying only to the provisions of the Convention relating to the prohibited zones specified in Article 6. The Belgian, French, Japanese and Italian representatives on the Council of Ambassadors, duly authorized by their Governments, assented to this proposal, and it is on this limited application of the Convention that present action in connexion with it is based.

4. Copies of Mr. Chilton's despatch and enclosures are being sent to the other self-governing Dominions.]

I have, &c.,
DEVONSHIRE.

Enclosure in No. 67.

(No. 1187.)

MY LORD, British Embassy, Washington, D.C., 28th September, 1923.

IN continuation of my despatch No. 1164 of the 21st instant, I have the honour to inform Your Lordship that the Secretary of State yesterday, upon his return from leave, made public the reply of the United States Government to the recent communication of the League of Nations concerning the control of the private manufacture of arms.

* Not printed: it dealt with the adhesion of the Argentine Republic to the Convention. † No. 66.

I have the honour to enclose herewith a copy of this reply, together with a copy of the statement issued simultaneously to the Press, explaining the reasons for the Government's refusal to participate in the ratification of the Convention of St. Germain.

I have, &c.,
H. G. CHILTON.

The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.

DEPARTMENT OF STATE.

For the Press.

27th September, 1923.

In making public the text of the communication to the League of Nations with regard to the Arms Traffic Convention, it was pointed out that the refusal to ratify the Convention for the reasons therein stated did not indicate that this Government was less anxious than other Powers suitably to control the traffic in arms. Quite the contrary is the case as is shown by the action of the Executive under existing legislation and by the policy which has actually been adopted in taking the measures for the proper restraint of this traffic which lay within the authority of the executive departments of the Government.

In a letter from the late President to the Secretary of War, dated 23rd April, which was made public on 24th April, Mr. Harding stated:—

" I hope it will be the policy of the War Department not only to make no sales of war equipment to any foreign Power, but that you will go further and make certain that public sales to our own citizens will be attended by proper guarantees that such supplies are not to be transferred to any foreign Power. I would gladly waive aside any financial advantage that might attend such sales to make sure that none of our surplus equipment is employed in encouraging warfare in any place in the world. I am writing a similar Note to the Secretary of the Navy, and shall confidently expect the co-operation of both Departments in adhering to this policy."

The Executive branch of the Government is not in a position to intervene in transactions which are wholly within the law; but not desiring to encourage other Powers to arm themselves for conflict, which is deemed contrary to the spirit of the country, this Government, in addition to adopting a strict policy with regard to the sale of surplus Government army stores, has replied to the recent inquiries which it has received that it does not encourage the shipment of war material to the troubled areas of the world. This stand has been taken although this Government was not unmindful of the fact that intending purchasers would no doubt resort to other markets to supply their wants. It may also be added that, under present conditions, the Department would not favour the flotation of a foreign loan in this country for which the proceeds would be utilized for armament.

The objections made by this Government to the ratification of the Convention of Saint-Germain dealt with matters which were believed to be fundamental, and which did not lend themselves to suggestions of modifications which would be consistent with the structure of the Convention.

DEPARTMENT OF STATE.

For the Press.

Traffic in Arms.

27th September, 1923.

The Department, under date of 12th September, 1923, instructed the American Minister at Berne, Switzerland, to transmit informally to the Secretary-General of the League of Nations, the following communication:

"The Secretary of State of the United States of America has given most careful study to the communication from the Acting President of the Council of the League of Nations dated 1st May, 1923, asking the views of the United States regarding the control of the traffic and private manufacture of arms set forth in the Convention of Saint-Germain, and to inform you that the Government of the United States is in cordial sympathy with efforts suitably to restrict traffic in arms and munitions of war."

"As evidence of its interest in the matter, it may be recalled that by a joint resolution approved 22nd April, 1898, as amended 12th March, 1912, the following provision was made with respect to the regulation of the shipment of arms from the United States. 'That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export except under such limitations and exceptions as the President shall prescribe any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.'

"By a resolution approved 31st January, 1922, this provision of law was extended so as to include any country in which the United States exercises extra territorial jurisdiction. It is also the policy of the Government to restrict the sale of Government supplies of arms and munitions.

"After a careful examination of the terms of the Convention, it has been decided that the objections found thereto render impossible ratification by this Government.

"While the application of the Convention to certain designated areas or zones, extending in effect the Brussels Convention, may fulfil a useful object, the plan of the present Convention is much broader. The distinctive feature of this plan is not a provision for a general limitation of armament, but the creation of a system of control by the signatory Powers of the traffic in arms and munitions, these signatory Powers being left free not only to meet their own requirements in the territories subject to their jurisdiction, but also to provide for supplying each other with arms and munitions to the full extent that they may see fit.

"There is particular objection to the provisions by which the contracting parties would be prohibited from selling arms and munitions to States not parties to the Convention. By such provisions, this Government would be required to prevent shipments of military supplies to such Latin American countries as have not signed or adhered to the Convention, however desirable it might be to permit such shipments, merely because they are not signatory Powers and might not desire to adhere to the Convention.

"It should be observed also that the acceptance by the United States of an agreement of the nature and scope of the Convention of Saint Germain would call for the enactment of legislation to make it operative, and particularly for the imposition of penalties applicable to private arms-producing concerns as a means of establishing an effective control. This Government is not in a position to undertake to obtain the enactment of such legislation.

"Finally, it may be observed that the provisions of the Convention relating to the League of Nations are so intertwined with the whole Convention as to make it impracticable for this Government to ratify, in view of the fact that it is not a member of the League of Nations."

AUSTRALIA.

Commercial Treaties affecting: Enquiry from Danish Government.

920

No. 68.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5th January, 1923.)

(No. 463.)

MY LORD DUKE, Governor-General's Office, Melbourne, 25th November, 1922.

WITH reference to your predecessor's despatch dated 28th July, 1922, No. 266,* covering a copy of a note from the Danish Minister in London relative to the position of the self-governing Dominions in respect of commercial treaties, I have the honour to inform Your Grace that I am advised by my Prime Minister that the

* No. 48 in Dominions No. 87.

proposed explanations with regard to questions 1, 2, 3 and 4 in the note, as outlined in paragraphs 2, 3 and 4 of the despatch, are concurred in by the Commonwealth Government.

With regard to question 5, my Ministers would be glad if the Danish Minister could be informed that no commercial treaties have recently been concluded affecting the relations of Australia with foreign countries, but that the undermentioned commercial arrangements have been entered into with other British Dominions:—

(a) An agreement between South Africa and Australia for preferential treatment of importations was concluded in 1906 and is still in force. A copy of the Commonwealth Customs Tariff (South African Preference) Act, No. 17 of 1906, is forwarded herewith.

(b) A reciprocal tariff agreement between New Zealand and Australia which came into force on 1st September last. A copy of the Commonwealth Customs Tariff (New Zealand Preference) Act, No. 3 of 1922, is enclosed.

I have, &c.,

FORSTER,
Governor-General.

3308

No. 69.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 55.)

MY LORD,

Downing Street, 5th February, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 463 of the 25th of November,* and to transmit to you, for the information of your Ministers, a copy of a Note to the Danish Chargé d'Affaires containing the reply to the Danish Minister's Note of the 12th of May, 1922,† inquiring as to the position of the self-governing Dominions in respect of certain commercial treaties.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 69.

(No. T 505/505/315.)

SIR,

Foreign Office, S.W.1, 17th January, 1923.

WITH reference to Count Ahlefeldt-Laurvig's Note of the 12th May last (No. 160/64.D.1) inquiring as to the position of the self-governing Dominions in respect of certain commercial treaties, I have the honour to inform you that the questions asked in paragraph 2 of that Note may be answered as follows:—

(1) and (2). The Governments of Colombia, Costa Rica, Denmark, France, Mexico, Norway, Sweden, and Switzerland agreed to the proposal made by His Majesty's Government in 1911 as regards the right of the self-governing Dominions to withdraw from existing commercial treaties. The Commonwealth of Australia—including Papua and Norfolk Island—has taken advantage of the agreement and has withdrawn from the commercial treaties with all the above-mentioned States and the Union of South Africa has withdrawn from the treaty with Mexico.

(3) No foreign countries have in virtue of these agreements denounced their treaties with respect to any of the Oversea Dominions.

(4) It is presumed that this question refers only to obligations under commercial treaties, of which those with the Argentine Republic, 1825; Italy, 1883 (save as regards South Australia); Morocco, 1856; Peru, 1850; Venezuela, 1825; and Muscat, 1891 (renewable annually), are at present in force in respect of the Commonwealth of Australia.

(5) No commercial treaties have recently been concluded affecting the relations of Australia with foreign countries. The following commercial arrangements have been entered into with other British Dominions:—

(a) An agreement between South Africa and Australia for preferential treatment of importations was concluded in 1906 and is still in force.

* No. 68.

† Enclosure in No. 48 in Dominions No. 87.

(b) A reciprocal tariff agreement between New Zealand and Australia, which came into force on the 1st September last.

2. I have the honour to transmit herewith copies of the Commonwealth Customs Tariff (South African Preference) Act, No. 17 of 1906, and of the Commonwealth Customs Tariff (New Zealand Preference) Act No. 3 of 1922.

I have, &c.,

(For the Secretary of State)

G. H. VILLIERS.

Monsieur U. Malthé Braun,

&c., &c., &c.

AUSTRIA.

Proposed Commercial Treaty.

(Treaty Series 1925, No. 21.)

Interpretation of Clause ensuring most-favoured-nation treatment for Dominions.

15486

No. 70.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by No. 73.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 147.)

[MY LORD,] [SIR,]

Downing Street, 28th April, 1923.

As [Your Excellency's] [Your Royal Highness's] [your] Ministers are aware, under Part X, Section I, of the Treaty of St. Germain-en-Laye, Austria undertook to accord to the Allied and Associated Powers most-favoured-nation treatment in various matters, but, under Article 232, an Allied or Associated Power cannot, unless the League of Nations decides otherwise, require the fulfilment of these obligations by Austria after the expiration of three years from the coming into force of the Treaty (i.e., after the 16th July, 1923), unless that Power accords correlative treatment to Austria.

2. Accordingly, a draft Treaty* (of which a copy is enclosed) has been prepared by His Majesty's Government, and sent to the Austrian Chargé d'Affaires for communication to the Austrian Government.

3. The draft Treaty grants national and/or most-favoured-nation treatment in matters dealt with in the Treaty to the subjects, goods, etc., of the one party in the territories of the other. In the United Kingdom, however, there are still in force restrictions upon nationals of ex-enemy States in regard to employment in certain trades and professions. It is not possible for His Majesty's Government to concede that Austria should enjoy, under the provisions of the new Treaty, rights or privileges in derogation of the restrictions regarding ex-enemy nationals generally referred to above. To secure this general reservation, they have prepared a draft Declaration to be signed at the same time as the Treaty, rather than endeavour to insert reservations in the text of the Treaty itself. A copy of the draft Declaration is enclosed.

4. In the case of the Dominions and Colonies in which legislation against ex-enemy aliens is still in force, it will presumably be necessary, should they desire to become parties to the Treaty, for some similar Declaration to be prepared and signed reserving from the rights conferred by the Treaty the special restrictions imposed by the legislation in question. The Austrian Chargé d'Affaires has been asked to draw the attention of his Government to this possibility.

I have, &c.,

DEVONSHIRE.

* Not printed; for the text of the Treaty as signed, see Treaty Series 1925, No. 21.

Enclosure in No. 70.

SUBSTANTIVE PORTION OF DECLARATION TO BE SIGNED SIMULTANEOUSLY WITH AUSTRIAN TREATY.

It is understood that nothing in the Treaty signed this day can be invoked by Austria to support a claim for exemption from the following disabilities to which Austrian nationals (in common with the nationals of other Powers with which His Britannic Majesty was at war) are subject by Acts of Parliament of the United Kingdom, so long as those Acts remain in force; namely:—

(a) No Austrian national may be employed or act as master, officer or member of the crew of a British ship registered in the United Kingdom (Alien Restriction Amendment Act, 1919).

(b) For a period of five years from 31st August, 1921, no business connected with certain non-ferrous metals and metallic ores may be carried on in the United Kingdom by, or under the influence or control of, an Austrian national, except under licence of the Board of Trade, in accordance with the Non-Ferrous Metal Industry Act, 1918.

(c) For a period of five years from 31st August, 1921, and thereafter until Parliament may otherwise determine, no banking business may be carried on in the United Kingdom for the benefit or under the control of an Austrian national (Trading with the Enemy Amendment Act, 1918).

15486

No. 71.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 72.]

(No. 281.)

SIR, Downing Street, 14th May, 1923.

I HAVE the honour to request Your Excellency to invite the attention of your Ministers to the provisions of the Treaty of Peace with Austria, signed at St. Germain-en-Laye, on the 10th September, 1919.

2. Under Part X, Section I of that Treaty, Austria undertook . . . [The rest of paragraph 2 and paragraphs 3 and 4 are identical with paragraphs 1, 2 and 3 of No. 70.]

5. The Declaration relates to legislation in force in Great Britain and Northern Ireland. Where other portions of the British Empire become parties to the Treaty in accordance with Article XXIII, they will obviously not accede to the Declaration, nor will their Treaty relations with Austria be in any way affected by it. This, of course, applies to the Irish Free State. But your Ministers will appreciate that while the Acts referred to in the Declaration are Acts of the Parliament of the United Kingdom, they are not included in the Schedule to the Irish Free State (Adaptation of Enactments) Order, 1923, and therefore in them the term "United Kingdom" is to be construed in this country as meaning Great Britain and Northern Ireland only. Seeing, however, that the Acts referred to were passed by the Parliament of the United Kingdom before the coming into operation of the Constitution of the Irish Free State, and that, under Article 73 of that Constitution, they will remain in force in the Irish Free State until repealed by the Irish Free State Legislature, it will presumably be necessary, should the Free State Government desire to become a party to the proposed Treaty, to arrange for a similar Declaration to be signed and agreed to by Austria in order to ensure that the Austrian Government cannot claim in the Irish Free State under any of the provisions of the Treaty, rights or privileges in derogation of the Acts referred to, if at the date at which the Irish Free State becomes a party to the Treaty, these Acts have not been repealed by the Free State Legislature.

6. The Austrian Chargé d'Affaires has been asked to call the attention of his Government to the possible necessity of such Declarations being made in the case both of the Irish Free State and of the other self-governing Dominions.

I have, &c.,

DEVONSHIRE.

28393

No. 72.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6th June, 1923.)

(No. 155.)

MY LORD DUKE,

Viceregal Lodge, Dublin, 5th June, 1923.

I HAVE the honour to refer to Your Grace's despatch No. 281 of the 14th ultimo,* regarding the proposed Treaty of Commerce and Navigation between Great Britain and Austria.

2. Goods produced or manufactured in Austria are accorded in the Irish Free State treatment as favourable as that accorded to goods produced or manufactured in any other foreign country, and, accordingly, my Ministers are of the opinion that, under the terms of Article XXIII of the proposed Treaty, the most important advantages conferred by the Treaty so far as the Irish Free State is concerned are secured, even though the Free State does not bind itself to the Treaty.

3. In the circumstances mentioned in the preceding paragraph the Government of the Irish Free State does not propose to become a party to the proposed Treaty, at least for the present.

I have, &c.,

T. M. HEALY.

37769

No. 73.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 28th July, 1923.)

[Answered by No. 74.]

(No. 166.)

MY LORD DUKE,

Government House, Wellington, 25th June, 1923.

WITH reference to your despatch Dominions No. 147 of the 28th April,† I have the honour to inform Your Grace that my Ministers advise me that the New Zealand Government does not at present think it desirable to adhere to the proposed Commercial Treaty, firstly on account of the existence of the Undesirable Immigrants Exclusion Act, 1919, and secondly, because of the necessity under existing laws of imposing depreciated currency duties upon goods from Austria which might prejudicially affect industries established in New Zealand or in other British Dominions.

2. A further reason for non-adhesion is that, if a special treaty or tariff agreement were later arranged with any of the Allies of Great Britain during the recent War, similar terms would have to be granted to Austria.

I have, &c.,

JELLICOE,

Governor-General.

40699

No. 74.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 186.)

MY LORD,

Downing Street, 18th August, 1923.

WITH reference to Your Excellency's despatch No. 166 of the 25th June,† I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of a Note to the Austrian Minister, stating that the Government of New Zealand do not at present desire to become a party to the proposed Commercial Treaty between the United Kingdom and Austria.

I have, &c.,

DEVONSHIRE.

* No. 71.

† No. 70.

‡ No. 73.

Enclosure in No. 74.

(No. C 13366/61/3.)

SIR,

Foreign Office, S.W.1, 13th August, 1923.

WITH reference to previous correspondence on the subject of the Commercial Treaty which is being negotiated between the Austrian Government and His Majesty's Government, I have the honour to inform you that the Government of New Zealand do not for the present desire to become a party to the Treaty.

I have, &c.,

(For the Secretary of State),

MILES W. LAMPSON.

Monsieur Georg Franckenstein,
&c., &c., &c.

53166

No. 75.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND
GOVERNOR.

(Canada,
(Commonwealth of Australia,
(New Zealand,
(Union of South Africa,
(Newfoundland,
(Irish Free State. No. 642.)

Dominions No. 406.)

[MY LORD,] [SIR,]

Downing Street [7th] [8th] November, 1923.

WITH reference to my despatch [Dominions No. 147 of the 28th of April,*] [No. 281 of the 14th of May,†] I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of correspondence with the Austrian Minister relative to Article XXIII of the draft Anglo-Austrian Commercial Treaty.

[To Irish Free State: 2. Similar despatches are being sent to the other self-governing Dominions.]

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 75.

MY LORD MARQUESS,

London, 8th September, 1923.

IN connexion with the pending negotiations for the Commercial Treaty which is to be concluded between Great Britain and Austria, I have the honour to submit to Your Lordship a précis received from the Austrian Federal Chancery, Foreign Affairs Department, concerning the application of certain clauses of the Treaty-to-be to India and the Dominions.

I should feel very grateful if a reply could be obtained on this matter at Your Lordship's earliest consideration, as the Austrian Government is most anxious to be enlightened on this matter as soon as possible

I have, &c.,

A. KUNZ,

Chargé d'Affaires.

The Most Honourable

The Marquess Curzon of Kedleston, K.G., G.C.S.I., G.C.I.E.,

His Majesty's Secretary of State for Foreign Affairs.

"Article 23 of the draft for a commercial treaty between the United Kingdom and Austria transmitted by His Britannic Majesty's Government states that the stipulations of this Treaty shall not be applicable to India or any Dominions, Colonies, etc., unless special notice is given to this effect. Nevertheless, goods produced or manufactured in India or in any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions, or Protectorates shall enjoy in Austria

* No. 70.

† No. 71.

complete and unconditional most-favoured-nation treatment so long as goods produced or manufactured in Austria are accorded in India or such self-governing Dominion, Colony, Possession, or Protectorate treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

This clause has been interpreted by the Federal Government as stipulating reciprocity of treatment of the mutual imports on the most-favoured-nation basis, though the rest of the stipulations of the Treaty be not applicable in the relations between the British Colonies and Austria. According to this interpretation, the second paragraph of Article 23 of the draft would assure to Austrian goods in Dominions having an intermediate tariff between the general tariff and the preferential tariff for British products the application of this intermediate tariff as long as Austria continues to apply to imports from the said Dominions the most favourable tariffs accorded to the products of any other country.

The Federal Government would be greatly obliged to His Britannic Majesty's Government for any information whether this interpretation of the said clause is correct."

Enclosure 2 in No. 75.

SIR,

Foreign Office, S.W.1, 1st November, 1923.

WITH reference to Monsieur Kunz's note of the 8th September last, relative to the draft Anglo-Austrian Commercial Treaty, I have the honour to inform you that the memorandum enclosed therein does not appear to be a correct representation of the effect of Article XXIII of the Treaty in its present form.

2. The second paragraph of this Article is not intended to impose upon India or upon any Dominion, Colony, Possession, or Protectorate, in respect of which notice has not been given under the first paragraph of the Article, any obligation as regards the tariff treatment of goods produced or manufactured in Austria; the intention is to stipulate that, if India or any Dominion, Colony, Possession, or Protectorate does in fact accord to goods produced or manufactured in Austria treatment as favourable as that accorded to goods produced or manufactured in any other foreign country, Austria shall accord most-favoured-nation treatment to goods produced or manufactured in India or in any such Dominion, Colony, Possession, or Protectorate.

3. I would point out that a provision on the lines of this paragraph is to be found in a considerable number of Treaties of Commerce and Navigation which have been concluded by Great Britain with other foreign countries.

I have, &c.,

(For the Secretary of State),

MILES W. LAMPSON.

Monsieur Franckenstein,
&c., &c., &c.

53166

No. 76.

SOUTHERN RHODESIA.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 49.)

SIR,

Downing Street, 14th November, 1923.

As your Ministers will be aware, under Part X, Section 1 of the Treaty of St. Germain-en-Laye, Austria undertook to accord to the Allied and Associated Powers most-favoured-nation treatment in various matters, but under Article 232 an Allied or Associated Power cannot, unless the League of Nations decides otherwise, require the fulfilment of these obligations by Austria after the expiration of three years from the coming into force of the Treaty (i.e., after the 16th of July, 1923), unless that Power accords correlative treatment to Austria.

2. Accordingly, a draft Treaty* (of which a copy is enclosed) was prepared by His Majesty's Government, and sent to the Austrian Chargé d'Affaires for communication to the Austrian Government.

3. The draft Treaty grants national and/or most-favoured-nation treatment in matters dealt with in the Treaty to the subjects, goods, etc., of the one party in the territories of the other. In the United Kingdom, however, there are still in force restrictions upon nationals of ex-enemy States in regard to employment in certain trades and professions. It is not possible for His Majesty's Government to concede that Austria should enjoy, under the provisions of the new Treaty, rights or privileges in derogation of the restrictions regarding ex-enemy nationals generally referred to above. To secure this general reservation, they prepared a draft Declaration to be signed at the same time as the Treaty, rather than endeavour to insert reservations in the text of the Treaty itself. A copy of the draft Declaration† is enclosed.

3. In the case of the Dominions and Colonies in which legislation against ex-enemy aliens is still in force, it will presumably be necessary, should they desire to become parties to the Treaty, for some similar Declaration to be prepared and signed reserving from the rights conferred by the Treaty the special restrictions imposed by the legislation in question. The Austrian Chargé d'Affaires was asked to draw the attention of his Government to this possibility.

4. I also enclose, for the information of your Ministers, copies of correspondence‡ with the Austrian Chargé d'Affaires relative to Article 23 of the draft Treaty.

I have, &c.,
DEVONSHIRE.

BRAZIL.

Proposed Commercial Agreement.

11538

No. 77.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 6th March, 1923.)

SIR,

Foreign Office, S.W.1., 5th March, 1923.

I AM directed by the Secretary of State for Foreign Affairs to transmit to you herewith, for the consideration of the Secretary of State for the Colonies, a copy of a letter from the Board of Trade, enclosing a letter from the Treasury dated 22nd February, relative to a proposed commercial agreement with Brazil.

2. Dissatisfaction has existed among British exporters for some time past owing to the fact that, in the case of a certain number of articles imported into Brazil, the Customs duties leviable on products of the United States (and recently also on those of Belgium) are levied at a lower rate than those on similar British products.

3. While, however, the Secretary of State attaches considerable importance to the removal of this grievance, he is sensible of the fact that some of the products of Brazil, which it is now proposed should be admitted free into the United Kingdom for a period of three years, are also produced within the Empire, and that consequently there is a possibility of the extension to these articles of the principle of Imperial Preference, or a development of such preference as already exists, within the period specified.

4. The Secretary of State would, therefore, be glad to be informed whether the Duke of Devonshire considers that His Majesty's Ambassador at Rio de Janeiro may be instructed to approach the Brazilian Government in the sense recommended by the Board of Trade with a reasonable certainty that this course will not seriously prejudice the position of the United Kingdom vis-à-vis the Dominions and Colonies on the question of Imperial Preference.

5. As the subject of the Brazilian tariffs is at present under revision by a committee in Brazil, the Secretary of State would be glad to receive an early reply.

6. Copies of this letter are being sent to the Board of Trade and Treasury.

I have, &c.,
R. SPERLING.

* Not printed; see footnote on Page 39.

† Enclosure in No. 70.

‡ Enclosures in No. 75.

Enclosure in No. 77.

Board of Trade (Commercial Relations and Treaties Department),
Great George Street, London, S.W.1.

SIR,

27th February, 1923.

WITH reference to the letter addressed to you from this Department on 13th February, on the subject of a proposed Commercial Treaty with Brazil, I am directed by the Board of Trade to forward to you, for the information of the Marquess Curzon of Kedleston, copy of a letter which they have received from the Treasury.

I am to suggest that, should Lord Curzon see no objection, the substance of the Treasury letter should be telegraphed to His Majesty's Ambassador at Rio de Janeiro with the information that the articles to which His Majesty's Government are prepared to give a guarantee of freedom from duty account for one-half of the imports from Brazil into this country, and that he should be instructed to sound the Brazilian Government as to the prospects of concluding a Commercial Treaty on these terms. Should the Brazilian Government receive the proposal favourably, I am to suggest that, having regard to the fact that a full Commercial Treaty would take a considerable time to negotiate, Sir John Tilley should endeavour to arrange an Exchange of Notes on which the substantive portion might be on the following lines:—

The respective Governments being desirous of extending the commercial relations of the two countries and of entering into a Treaty for that purpose, it is agreed that pending the conclusion of such a Treaty and in any case for a period of three years from the date of the Exchange of Notes, Brazilian products and manufactures shall enjoy in the United Kingdom and the products and manufactures of the United Kingdom shall enjoy in Brazil, complete most-favoured-nation treatment in all matters relating to Customs, and that the following articles, the produce of Brazil, are and shall continue, during the period in question, free of all Customs duty on importation into the United Kingdom, namely: Brazil nuts, lard, meat, raw cotton, hides, raw rubber and cotton-seed oil.

I am to suggest that Sir John Tilley should be instructed to report by telegraph the views of the Brazilian Government in order that the further consideration of the matter may be expedited.

I have, &c.,
H. FOUNTAIN.

The Under Secretary of State,
Foreign Office, S.W.1.

SIR,

Treasury Chambers, 22nd February, 1923.

I HAVE laid before the Lords Commissioners of His Majesty's Treasury your letter of the 13th instant, relative to a proposed commercial agreement with Brazil, and in reply I am to request you to inform the Board of Trade that My Lords concur in the proposal that Brazil should be offered full most-favoured-nation treatment together with a guarantee that for a period of, say, three years no duties would be levied in this country on the following goods of Brazilian origin:—Brazil nuts, lard, meat, raw cotton, hides, raw rubber, and cotton-seed oil. It would, of course, be clearly understood that this offer would not involve extending the benefits of Imperial Preference to goods of Brazilian growth or produce.

My Lords regret, however, that they do not feel able to give any undertaking with regard to the dutiable articles mentioned in the last paragraph of the letter under reply.

I have, &c.,
O. E. NIEMEYER.

The Secretary, Board of Trade.

THE DUKE OF DEVONSHIRE to SIR P. LLOYD-GREAME.

[Answered by No. 79.]

MY DEAR LLOYD-GREAME,

Downing Street, 23rd March, 1923.

I SPOKE to you as to the bearing on the question of Imperial Preference of the proposal to arrange an exchange of notes with Brazil, under which, pending the conclusion of a definite Commercial Treaty and in any case for a period of three years, certain Brazilian products would be free of Customs duty on importation into the United Kingdom. The products in question include meat, lard, and hides, which are of interest to the Dominions, and raw rubber and cotton, which are of interest to the Colonies.

There are, of course, already several cases in which we are bound by Treaty engagements with foreign States either not to impose any import duties on specific articles or not to increase the duties on specific articles above a certain figure. I attach a note on these prepared in the Colonial Office.

In the case of Greek currants and Spanish wine and wine lees, brandy and raisins, the undertaking given was merely not to increase the duty above a certain figure and accordingly does not preclude the grant of Imperial Preference in respect of these articles and would not preclude an increase in the existing preference, though the possible increase is to a certain extent limited. In the case of the other articles (i.e., those which are promised free admission) the undertaking given precludes the grant of any preference at all. The Japanese Treaty dates back to 1911, and the only article affected by it, in which the Dominions and Colonies are interested to any extent, is copper. The list of articles which under the Spanish Treaty are to be admitted duty free, includes several of interest to the Dominions and Colonies (e.g., iron ore, oranges and bananas), but when that Treaty was being negotiated, the Colonial Office were given to understand that it was of paramount importance to British trade to secure the Treaty and that the only method of securing it was by giving Spain concessions in respect of these articles, so that it would not have been desirable to raise any question as to the possible effect of the concessions on Imperial Preference.

Since the Spanish Treaty was negotiated, the position has been somewhat changed by the proposal to summon an Imperial Economic Conference. The Prime Minister's telegram to the Dominion Prime Ministers of the 29th November, 1922* mentioned that the Conference might wish to survey certain aspects of the external commercial relations of the Empire. "For example, it (i.e., the Conference) might think well to consider the question of mutual co-operation amongst the various Governments to safeguard their economic interests in relation to foreign countries and any proposals for promoting international arrangements for the more equitable treatment of commerce." Mr. Bruce, the Prime Minister of the Commonwealth of Australia, in his telegram to the Prime Minister of the 24th February,† stated that "Commonwealth's position such that it will have to press for some further preference in return for substantial preference granted British goods," and in his telegram of the 5th March‡ (replying to a telegram§ recalling Mr. Bonar Law's announcement that this Parliament would not make any fundamental change in the fiscal system of this country), he again referred to his intention to raise the question of preference, though not in a manner to conflict with Mr. Bonar Law's pledges.

You will remember that last year the Commonwealth Government|| urged that Australian currants should be granted a preference of 1½d. a pound, and Australian raisins and other dried fruits a preference of 2d. a pound. It was pointed out in reply that this proposal was impracticable, both because it would involve a very large increase in the duty levied on an article of food largely consumed by the working classes, and because it would involve a large increase over the present general rate of preference and would lead to reactions on the British Exchequer, which in present financial circumstances could not be faced. This particular proposal has not been revived, but I understand that the representatives of the Australian dried fruit industry are making fresh suggestions.

The West Indian Colonies also have pressed for a guarantee of continuity in the case of the preference on sugar, and an increase in the rate. Mr. Churchill announced in the House of Commons on the 23rd February, 1922,¶ that His Majesty's

* No. 135 in Dominions No. 91. † No. 144 in Dominions No. 91. ‡ No. 149 in Dominions No. 91.

§ No. 146 in Dominions No. 91. || See Nos. 25 and 26 in Dominions No. 83. ¶ Hansard, column 2150.

Government were prepared to give an undertaking (subject to the approval of Parliament) that the preference on goods at present entitled to preferential rates on importation into the United Kingdom should be continued for ten years, i.e., that the Customs duties on such goods, other than spirits, should bear to the duties on similar goods imported from foreign countries the proportions prescribed by the Second Schedule of the Finance Act, 1919, and that the Customs duties on spirits should be lower, by not less than 2s. 6d. per proof gallon, than the duties on foreign spirits of a like kind. The requests of the West Indian Colonies were that the present rate of preference should be doubled, i.e., increased from one-sixth to one-third over a period of years (preferably ten years) and also that, should the sugar duties be reduced during the period, the substantive preference on British sugar should not fall below the present figure, viz., in the case of 96° test sugar, approximately £3 15s. a ton. Both requests have recently been renewed and are now under consideration.

I quite recognize that it may not be practicable to defer the conclusion of an agreement with Brazil until after the Imperial Economic Conference, and I understand that you think the present a peculiarly favourable time for securing such an agreement. At the same time, it seems to me that we must take into account the psychological effect on the Dominions if they see us giving a foreign country a guarantee of free imports in respect of articles in which they are greatly interested at a time when an Economic Conference is in contemplation. Also in the case of rubber, although it is extremely unlikely that there will be any question of imposing an import duty in the near future, the attitude of the Dutch Government towards proposals for co-operation in schemes for restoring the British rubber-growing industry makes it undesirable to enter into engagements which would by implication relieve that Government of any anxiety as to the possible treatment of Dutch rubber in this country.

I should be glad to know what you think of the matter after taking into consideration the above points.

Yours sincerely,

DEVONSHIRE.

Enclosure in No. 78.

Greece.—By Article 1 of the Commercial Agreement of the 28th March, 1890, His Majesty's Government engaged to recommend to Parliament that the duty on currants imported into the United Kingdom should be reduced from 7s. to 2s. per cwt. (The Greek Government have denounced this Agreement, but it still continues in force for successive three months' periods unless notice to the contrary is given).

Japan.—By Article 8 of the Commercial Treaty of the 3rd April, 1911, the following Japanese goods are to be free of duty on importation into the United Kingdom:—

Habutæ of pure silk.
Handkerchiefs of habutæ of pure silk.
Copper, unwrought.
Plaiting of straw and other materials.
Camphor and camphor oil.
Baskets and basketware of bamboo.
Mats and matting of rush.
Lacquered wares.
Rape-seed oil.
Cloisonné wares.

(The Treaty is in force until the 16th July, 1923, and continues operative thereafter unless one year's notice of termination is given).

Spain.—By Article 6 of the Commercial Treaty of the 31st October, 1922, the following Spanish goods are to be free from Customs duties in any part of His Majesty's territories to which the Treaty applies (i.e., at present the United Kingdom and Newfoundland):—

Iron ore.
Corks and cork discs.
Grapes.
Walnuts.
Hazel nuts.
Almonds.
Onions.

Tomatoes.
Oranges.
Bananas.
Olive oil.
Preserved vegetables.

By the same Article, His Majesty's Government have undertaken not to increase the present import duties on the following Spanish products:—

Wine and wine lees.
Brandy.
Raisins.

(The Treaty, which came into force as a *modus vivendi* on the 6th November, 1922, continues in force for three years, and remains in force thereafter unless terminated by six months' notice).

15738

No. 79.

SIR P. LLOYD-GREAME to THE DUKE OF DEVONSHIRE.

(Received 28th March, 1923.)

[Answered by No. 80.]

(Confidential.)

Board of Trade, Great George Street, S.W.1,
26th March, 1923.

MY DEAR DEVONSHIRE,

MANY thanks for your letter of the 23rd March.*

I fully appreciate the importance of avoiding as far as possible any agreement in new commercial treaties which would prejudice the carrying out of any recommendations on preference which the Imperial Conference is likely to adopt. The case of Brazil is, however, a very special one. We have been constantly pressed by British manufacturers and traders to do our best to conclude a Commercial Treaty with Brazil which would give exporters from this country the benefits of preference, which Brazil gives to the United States and Belgium. We have been trying in one way or another to get this through for a considerable time; and, before the centenary celebrations opened in Rio, we had instructed the Ambassador to use this occasion for a renewed attempt. The Ambassador recently telegraphed to say that, if he could make the concession to which you refer in your letter, he hoped to be able to make a Treaty which would give us the preference either on all the articles affected, or at any rate on those in which British exporters have a material interest. You will observe, however, that what we have authorized the Ambassador to do is not to give Brazil a preference on any article which is now subject to duty, but merely to undertake that certain articles of food and raw material should not be taxed during the period of the Treaty if they come from Brazil. The concession certainly does not mean much. I can hardly conceive it possible that this country could put a duty on meat, lard, hides, raw rubber or raw cotton; but if we can persuade the Brazilians to accept this as a concession we should get an arrangement of considerable advantage to our trade without precluding ourselves from giving a preference to the Dominions on any article which there is a possibility of our being able to tax.

Yours, etc.,

P. LLOYD-GREAME.

15738

No. 80.

THE DUKE OF DEVONSHIRE to SIR P. LLOYD-GREAME.

MY DEAR LLOYD-GREAME,

Downing Street, 9th April, 1923.

THANK you for your letter of the 26th of March† regarding the proposed Commercial Agreement with Brazil.

I notice that Sir John Tilley has just come home on leave, and I would suggest that, before a final decision is taken, the matter might be discussed with him with a view to ascertaining whether delay until the Imperial Economic Conference has met would seriously prejudice either British trade or the prospects of a satisfactory agreement with Brazil.

Yours sincerely,

DEVONSHIRE.

Note.—The matter was discussed with Sir J. Tilley and subsequently considered by the Cabinet. The result is shown in the following letter. [No. 81.]

* No. 78.

† No. 79.

29557

No. 81.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 13th June, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of a telegram to His Majesty's Chargé d'Affaires at Rio de Janeiro on the subject of the proposed Commercial Treaty with Brazil.

Foreign Office,

12th June, 1923.

Reference to previous correspondence: Colonial Office letter of 2nd June.*

Similar letter sent to Board of Trade, Treasury, Department of Overseas Trade.

Enclosure in No. 81.

TELEGRAM TO MR. STEWART (RIO DE JANEIRO) FROM FOREIGN OFFICE.

(Sent 1.30 p.m., 10th June, 1923.)

(R.)

No. 34. Your telegram No. 16 (of 6th February) Commercial Treaty with Brazil.

His Majesty's Government are prepared to conclude reciprocal most-favoured-nation agreement with Brazilian Government to last for two or three years with continuance subject to six months' notice. During the period of the agreement His Majesty's Government will guarantee freedom of duty to following Brazilian products, which accounted in 1921 for more than thirty per cent. of total imports into the United Kingdom from Brazil: Brazil nuts, raw cotton, hides, raw rubber, and cotton-seed oil.

In making this proposal to Brazilian Government you should say that His Majesty's Government have carefully considered special concessions which they could offer to Brazilian Government. As they cordially reciprocate desire of Brazilian Government to encourage closer commercial relations between the two countries, and feel that the moment after the close of the exhibition in which His Majesty's Government took so keen an interest is peculiarly appropriate, they are prepared to go so far as to offer an undertaking on the above-mentioned lines. You should add that as this offer ties the hands of His Majesty's Government in the matter of foreign and Imperial economic policy, it is only after considerable hesitation that they have been able to make it.

We desire if possible to conclude a formal Treaty of Commerce and Navigation with Brazil, but the negotiations would take time, and as we are anxious to have a formal agreement securing most-favoured-nation treatment as soon as possible you should suggest to Brazilian Government that in the meantime an exchange of notes on the following lines should be entered into immediately.

Text begins: The respective Governments, being desirous of extending the commercial relations of the two countries, agree to enter as soon as possible into negotiations for a treaty for that purpose. Pending the conclusion of such a treaty it is agreed that for a period of three years from the date of this exchange of notes and thereafter subject to denunciation by either party at six months' notice Brazilian products and manufactures shall enjoy in the United Kingdom and the products and manufactures of the United Kingdom shall enjoy in Brazil complete most-favoured-nation treatment in all matters relating to customs, and that the following articles, the produce of Brazil, are and shall continue during the period in question free of all customs duty on importation into the United Kingdom, namely: Brazil nuts, raw cotton, hides, raw rubber, and cotton-seed oil. *Text ends.* By most-favoured-nation treatment is, of course, understood the most favourable treatment granted to any foreign country.

Note.—Negotiations on the subject were still proceeding at the end of 1923.

* 27200: not printed; it dealt with the terms of the proposed telegram to His Majesty's Chargé d'Affaires.

CANADA.

(1) Commercial Treaties applying to Canada.

35006

No. 82.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th July, 1923.)

[Answered by No. 83.]

(No. 348.)

MY LORD DUKE,

Government House, Ottawa, 30th June, 1923.

In a despatch dated the 18th July, 1912, No. 487,* Mr. (afterwards Viscount) Harcourt, then Secretary of State for the Colonies, transmitted to His Royal Highness The Duke of Connaught certain copies of a list prepared in the Foreign Office showing those Treaties of Commerce and Navigation between the United Kingdom and foreign countries in force on the 1st of June, 1912, which applied to Canada. My Government would be grateful if they could be furnished with a corresponding list of Treaties relating to Commerce and Navigation between Great Britain and Foreign Powers brought up to date.

I have, &c.,
BYNG OF VIMY.

38888

No. 83.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 404.)

MY LORD,

Downing Street, 29th August, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 348 of the 30th June,† and to transmit to you, for the information of your Ministers, two copies of a list showing those Treaties of Commerce with foreign countries which apply to Canada, revised to the 31st July, 1923.

2. It will be observed that this list includes the Notes exchanged in November, 1905, by which His Majesty's Government took note of the desire of the Swedish and Norwegian Governments that Treaties concluded in common by Sweden and Norway should be considered as valid by the Swedish and Norwegian Governments until further notice. It was thought desirable to include these Notes, in virtue of which the Convention of the 18th March, 1826 (mentioned both under "Norway" and under "Sweden and Norway") remains in force.

3. It will also be observed that the Treaties with Persia of the 4th March, 1857, and the 9th February, 1903, are included. As your Ministers are aware, the latter Convention was modified by an Agreement, of the 21st March, 1920, which was so drawn up as to enable any of the Oversea Dominions to free itself from all Treaty obligations in regard to the treatment of Persian subjects, goods and vessels, on giving notice to that effect,‡ and notice was accordingly given on behalf of Canada,§ but the Persian Government have raised certain difficulties as to the acceptance of this notice (vide correspondence ending with my despatch No. 37, of the 19th January||).

I have, &c.,
DEVONSHIRE.

* No. 259 in Dominions No. 45. † No. 82. ‡ See No. 210 in Dominions No. 81. § No. 212 in Dominions No. 81. || No. 312.

Enclosure in No. 83.

LIST OF TREATIES, ETC., RELATING TO COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND FOREIGN POWERS WHICH APPLY TO CANADA.

Country.	Date.	Description.	When terminable
Argentine Republic	2nd February, 1825	Treaty: Amity, Commerce, and Navigation	No time fixed.
Belgium	13th November, 1862	Convention: Joint Stock Companies	After 12 months' notice
Colombia	16th February, 1866	Treaty: Friendship, Commerce, and Navigation	After 12 months' notice
Colombia	20th August, 1912	Protocol: Modifying Treaty of 16th February, 1866	No time fixed.
Costa Rica	27th November, 1849	Treaty: Friendship, Commerce, and Navigation	No time fixed (Articles V, VI, and VII terminated)
Costa Rica	18th August, 1913	Protocol: Application of Treaty of 1849	
Denmark	13th February, 1660/1	Treaty: Peace and Commerce	No time fixed.
Denmark	11th July, 1670	Treaty: Peace and Commerce	No time fixed.
Denmark	28th November, 1879	Declaration: Trade Marks	No time fixed.
Denmark	9th May, 1912	Declaration amending Treaties of Commerce of 13th February, 1660/1, and 11th July, 1670	No time fixed.
Ecuador	26th August, 1892	Convention: Trade-Marks	After 12 months' notice.
France	30th April, 1862	*Convention: Joint Stock Companies	After 12 months' notice.
France	15th December, 1922	†Convention: Commerce (Canada)	
General	5th July, 1890	Convention: Publication of Customs Tariffs	Every 7 years after 12 months' notice.
Greece	4th August, 1888	Agreement: Joint Stock Companies	After 12 months' notice.
Guatemala	20th July, 1898	Convention: Trade-Marks, &c.	After 12 months' notice
Italy	26th November, 1867	Declaration: Joint Stock Companies.	After 12 months' notice
Italy	4th January, 1923	†Treaty: Commerce (Canada)	
Japan	3rd April, 1911	†Treaty: Commerce and Navigation	16th July, 1923, and then after 12 months' notice.
Liberia	21st November, 1848	Treaty: Friendship and Commerce	No time fixed.
Liberia	23rd July, 1908	Agreement modifying above Treaty	No time fixed.
Morocco	9th December, 1856	General Treaty	No time fixed.
Morocco	9th December, 1856	Convention: Commerce and Navigation	No time fixed.
Muskat	19th March, 1891	§Treaty: Friendship, Commerce, and Navigation	After 12 months' notice, and liable to revision after 12 months' notice

* Denounced by France, 10th September, 1918, but is being continued in force subject to 3 months' notice.

† Not ratified.

‡ The accession of Canada was subject to certain conditions.

§ This Treaty has been denounced but is being prolonged by annual agreements.

Country.	Date.	Description.	When terminable.
Muskat	20th February, 1892	Protocol: Termination of above Treaty	
Netherlands	6th March, 1856	Convention: Consuls in Colonies	After 12 months' notice
Norway	18th March, 1826	*Convention: Commerce and Navigation	After 12 months' notice.
Norway	16th/23rd November, 1905	Exchange of Notes: Validity of Treaties with Sweden and Norway	
Norway	16th May, 1913	Convention: Application of Treaty of 1826 to certain Colonies	
Persia	4th March, 1857	Treaty: Peace, Commerce, &c.	No time fixed.
Persia	9th February 1903	Convention: Commerce	No time fixed.
Peru	10th April, 1850	Treaty: Friendship, Commerce and Navigation	No time fixed. Articles III, IV, V, and VI terminated.
Portugal	6th January, 1880	Declaration: Trade-Marks	No time fixed.
Roumania	4th May, 1892	Convention: Trade-Marks	After 12 months' notice.
Russia	16th March, 1921	†Trade Agreement	
Spain	14th December, 1875	Declaration: Trade-Marks	No time fixed.
Spain	29th January, 1883	Declaration: Joint Stock Companies	After 12 months' notice.
Sweden	11th April, 1654	Treaty: Peace and Commerce	No time fixed.
Sweden	17th July, 1656	Treaty: Commerce	No time fixed.
Sweden	21st October, 1661	Treaty: Peace and Commerce	No time fixed.
Sweden	5th February, 1766	Treaty: Commerce and Alliance	No time fixed.
Sweden and Norway	18th March, 1826	*Convention: Commerce and Navigation	After 12 months' notice.
Sweden	6th/16th November, 1905	Exchange of Notes: Validity of Treaties with Sweden and Norway	
Sweden	27th November, 1911	Declaration: Colonies and Commercial Treaties	No time fixed.
Switzerland	6th September, 1855	Treaty: Friendship, Commerce, &c.	After 12 months' notice.
Switzerland	6th November 1880	Declaration: Trade-Marks	After notice.
Switzerland	30th March, 1914	Convention: Application of Articles IX and X of Treaty of 1855 to certain Colonies	
United States	8th May, 1871	Treaty: Navigation of Rivers, &c.	No time fixed. (Articles I-V, VII-XVII, and XXXIV - XLII lapsed, and XVIII-XXV and XXX and XXXIII terminated.)

* Concluded with "Sweden and Norway."

† Applied to Canada by exchange of Notes of 3rd July, 1922.

Country.	Date.	Description.	When terminable.
United States	24th October, 1877	Declaration: Trade-Marks	No time fixed.
United States	2nd March, 1899	Convention: Disposal of Real and Personal Property	After 12 months' notice.
Venezuela	18th April, 1825	Treaty: Amity, Commerce, and Navigation	No time fixed.

(2) Procedure for Issue of Full Powers to Canadian Plenipotentiaries.

6344

No. 84.

MR. W. S. FIELDING (MINISTER OF FINANCE, CANADA) to SIR J. MASTERTON SMITH (COLONIAL OFFICE.)

[Answered by No. 85.]

(Confidential.)

DEAR SIR JAMES,

Ottawa, 22nd January, 1923.

If the question I am about to ask touches a matter in which you are not free to speak, please tell me so and I shall be content.

In connexion with our Franco-Canadian Treaty, I informed the Colonial Office* and the Foreign Office of what my colleague and I were proposing on behalf of the Government of Canada and asked that the necessary Full Powers for the negotiation of a Treaty be granted to us by His Majesty. Our request was promptly honoured, the Powers were issued, and the Treaty was signed in due course. We had similar good fortune in the case of the Treaty with Italy.

What I desire to know is what procedure was taken respecting the issue of the Powers. Was there any Imperial Order in Council authorizing His Majesty to issue the Powers? If there was such an Order, could I obtain a copy of it? Perhaps the matter was regarded as a departmental one and His Majesty signed the Powers at the request of the Foreign Office.

For myself, I am quite satisfied with what has happened. We, as Ministers of Canada, conveyed our request through your Office, the necessary Powers were issued, and everything was disposed of in a satisfactory manner. But some people over here who are occasionally troubled with what I may call "status on the brain," are raising questions (not in a public way) as to how these things are done; hence, my asking these questions confidentially.

With warmest thanks for the attention so promptly given to us by the Colonial Office and the Foreign Office in these matters,

I am, &c.,

W. S. FIELDING.

6344

No. 85.

SIR J. MASTERTON SMITH (COLONIAL OFFICE) to MR. W. S. FIELDING (MINISTER OF FINANCE, CANADA.)

(Confidential.)

DEAR MR. FIELDING,

19th February, 1923.

I AM very glad to be able to give you the information for which you asked in your letter of the 22nd January,† as to the procedure followed in connexion with the grant of Full Powers to you and to Mr. Lapointe to enable you to sign the recent Commercial Treaties with France and Italy.

The procedure was that we informed the Foreign Office officially of your desire that Full Powers should be issued; the Full Powers were prepared in accordance with your request, and were then signed by the King. No Imperial Order in Council was required as a preliminary to signature by the King, nor did His Majesty in

* See No. 83 in Dominions No. 87.

† No. 84.

signing the Full Powers purport to act on the advice of the Secretary of State for Foreign Affairs, or indeed of any Minister, British or Canadian. In constitutional theory the appointment of Plenipotentiaries (like the ratification of a Treaty), is the personal act of the Sovereign.

Yours sincerely,

J. E. MASTERTON SMITH.

CUSTOMS TARIFFS: INTERNATIONAL CONVENTION FOR THE PUBLICATION OF.

Position of the Irish Free State.

22337

No. 86.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 87.]

(No. 343.)

SIR,

Downing Street, 7th June, 1923.

I HAVE the honour to request Your Excellency to invite the attention of your Ministers to the fact that, as a result of an informal arrangement made during the latter part of last year, two copies of the Bulletins issued by the International Customs Tariffs Bureau at Brussels are being periodically supplied by the Board of Trade for the use of the Free State Government.

2. It has been suggested to me that your Ministers may now think it desirable to adhere to the International Convention for the Publication of Customs Tariffs signed at Brussels in 1890, which established that Bureau. By this means, your Ministers would be able to obtain direct from Brussels a much larger number of the Bulletins than the Board of Trade are in a position to supply from their stock. I enclose a copy of the Convention* in question.

3. All the other self-governing Dominions with the exception of the Union of South Africa are parties to the Convention; the Government of Newfoundland have, however, expressed their intention of withdrawing from the Union at the end of the next septennial period, as in their opinion the *Board of Trade Journal* and *Kelly's Customs Tariffs* now give all the information needed in respect of changes of tariff in other countries.

4. I shall be glad if your Ministers will take this question into their consideration, and if I may be informed of their wishes in the matter.

5. In order that your Ministers may experience no difficulty in maintaining a complete file of the Bulletins, the Board of Trade propose to continue the existing informal arrangement pending your Ministers' decision.

I have, &c.,

DEVONSHIRE.

42303

No. 87.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th August, 1923.)

[Answered by No. 88.]

(No. 246.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 24th August, 1923.

IN reply to despatch No. 343 of the 7th June last,† I have the honour to inform Your Grace that it is understood that the basis of subscription to the International Convention for the Publication of Customs Tariffs has undergone some modification since it was originally fixed under Articles 9 and 10 of the Convention.

* Not reprinted: [C. 6430].

† No. 86.

2. With a view to assisting them to arrive at a definite decision in the question, my Ministers would be glad if it could be found possible to furnish them with an estimate of the amount of subscription that would be payable by Saorstát Éireann in the event of adherence to the Convention.

I have, &c.,

T. M. HEALY.

45398

No. 88.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 553.)

SIR,

Downing Street, 14th September, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 246 of the 24th August,* on the subject of the possibility of the Irish Free State adhering to the International Convention for the Publication of Customs Tariffs, and to request you to inform your Ministers that, so far as His Majesty's Government is aware, the basis of subscription to the Bureau has not altered since the Convention was established, but that the amount of the subscription has recently been temporarily increased on account of the increased cost of carrying on the Bureau's work. For the present year (1923-24), it is anticipated that a special subscription equal to twice the normal contribution will be asked for from the adhering States, so that the total subscription will be three times the normal subscription as fixed by the Convention. This subscription is, of course, payable in Belgian francs, but it will be realised that the sterling equivalent even of this increased sum is less than the pre-war sterling equivalent of the normal contribution.

2. In addition, a pension fund has been established supported by contributions, payable annually, equal to one-tenth of the annual normal subscription. It is understood that this contribution in respect of pensions is optional, but that most of the adhering countries pay the contribution.

3. With regard to the inquiry contained in the second paragraph of your despatch, I regret that His Majesty's Government has not at present the material on which to base the required estimate. Inquiries, however, are being initiated with a view to obtaining the necessary information from the Belgian Government, and I shall hope to address you further on the subject in due course.

I have, &c.,

DEVONSHIRE.

51122

No. 89.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 90.]

(No. 623.)

SIR,

Downing Street, 25th October, 1923.

WITH reference to the third paragraph of my despatch No. 553 of the 14th September,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a despatch from His Majesty's Ambassador at Brussels regarding the possibility of the Irish Free State adhering to the International Convention for the Publication of Customs Tariffs.

2. In view of the fourth paragraph of the Note from the Belgian Minister for Foreign Affairs, enclosed in Sir George Grahame's despatch, should your Ministers decide to adhere to the Convention, they will, no doubt, themselves suggest in which Class the Irish Free State should be placed for the purposes of Article IX of the Convention.

* No. 87.

† No. 88.

3. As regards the actual sum payable, I understand that the amounts per unit, in Belgian paper francs, of the normal subscription and of the proportion of the initial expenses of the Bureau, calculated on the basis set out in Articles IX, X, and XI of the Convention and the Procès-Verbal relating to the Signature of the Convention and Regulations, of which a copy was enclosed in my despatch No. 343 of the 7th June,* work out at, approximately, 124.2 and 49.5 francs respectively. The former figure multiplied by the number of units established in respect of the various classes will give the normal annual contribution due from the various adhering countries, while the latter figure similarly multiplied will show the proportion of the initial expenses to be borne by a new adherent. The normal annual contribution, thus ascertained, must, as explained in the first paragraph of my despatch No. 553 of the 14th September† and in the seventh paragraph of Monsieur Jaspar's Note, be multiplied by three to give the actual contribution payable at the present time.

4. For convenience of reference I enclose two statements, prepared in the Board of Trade, showing the estimated total amount, in Belgian paper francs, which would apparently be payable in respect of the annual subscription and optional contribution to the Pension Fund for the year 1923-4 and in respect of the proportion of the initial expenses by a new adherent to the Convention, if placed in the second or third class.

I have, &c.,
DEVONSHIRE.

Enclosure 1 in No. 89.

MONSIEUR LE MINISTRE,

Brussels, 18th September, 1923.

I HAVE the honour to approach Your Excellency, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, with a view to obtaining particulars regarding the amount of the subscription which would be payable by the Irish Free State to the International Convention for the Publication of Customs Tariffs in the event of the adherence of that State to the Convention.

His Majesty's Government presume that the amount of the contribution payable would depend upon the annual volume of trade of the Irish Free State, but so far as His Majesty's Government are aware no estimate of this amount is available. Should it, however, not be possible for the competent authorities to form an estimate of the amount of the subscription in the absence of any estimate of the volume of trade, His Majesty's Government suggest that it may be possible for the Free State authorities to make the required estimate on receiving exact particulars as to the basis upon which the subscription is fixed.

In this connexion I am directed by the Marquess Curzon of Kedleston to inquire of Your Excellency whether the volume of trade taken as the basis under Article 9 of the Convention is expressed in gold or in paper francs, and also what years are taken into account in the case of new adherents to the Convention in estimating the annual average value of the trade. Special importance is attached to this matter as calculations in paper francs, particularly if based on recent trade statistics (which apart from the normal growth of trade since 1890, when the original proportions were fixed, are swollen by the rise in prices) might easily cause a new adherent to be classed in a higher subscription category than that under which it would have been classed, had it entered the Convention in 1890.

His Majesty's Government are in addition anxious to obtain particulars as to the proportion of the original expenses referred to in Article 8 which would fall to be paid by the Irish Free State. It is assumed that, as English is recognized by the Constitution of the Irish Free State as an official language, the Irish Free State would not be entitled to claim any reduction of subscription under Article 10 of the Convention.

I shall be grateful if Your Excellency will be so good as to furnish me in due course with the above-mentioned particulars, which are required by His Majesty's Government for communication to the Government of the Irish Free State.

His Excellency
Monsieur Henri Jaspar,
Minister for Foreign Affairs.

I avail, &c.,
GEORGE GRAHAME.

* No. 86.

† No. 88.

(Direction P.B. Section B.T. No. 3312.)

MONSIEUR L'AMBASSADEUR,

le 2^e Octobre, 1923.

PAR Son office du 18 septembre, Votre Excellence a bien voulu m'exprimer le désir de recevoir certains renseignements on vue de l'adhésion de l'Etat libre d'Irlande à l'Union Internationale pour la publication des tarifs douaniers.

J'ai l'honneur de faire connaître à Votre Excellence que le chiffre du commerce qui servirait de base à la fixation de la cotisation de l'Irlande devrait être calculé en francs-or. L'estimation du commerce des nouveaux adhérents en francs papier pourrait aboutir, en effet, à des chiffres qui les feraient classer dans une catégorie toute différente de celle où ils l'auraient été si leur adhésion s'était produite avant la guerre.

Le chiffre du commerce à prendre comme base peut être soit celui de la dernière année révolue, soit une moyenne entre les chiffres des années les plus récentes.

J'ajouterai à ce propos que le Bureau International serait tout disposé à abandonner à l'Etat libre d'Irlande le soin d'indiquer lui-même, à l'origine, la catégorie dans laquelle il devrait être rangé, d'après ses propres estimations, si approximatives fussent-elles—sous réserve du changement de classement que le chiffre réel de son commerce rendrait ultérieurement opportun.

Quant à la part de l'Irlande dans les frais d'installation prévus à l'article 8 de la Convention du 5 juillet 1890, elle dépendre, en vertu du 3^e alinéa du dit article, de la classe dans laquelle ce pays aura été rangé.

En ce qui concerne l'application de l'article 10, visant les langues non employées par le Bureau International, je ne puis que me rallier à l'avis exprimé par Votre Excellence dans l'avant-dernier alinéa de sa communication.

Je crois utile de rappeler que par suite de la dépréciation du franc-papier et de l'augmentation du prix de toutes choses, les cotisations des Etats faisant partie de l'Union Internationale ont dû être majorées dans ces dernières années; après avoir été quadruplées pour les exercices 1921-1922 et 1922-1923, elles ont pu n'être que triplées pour l'exercice en cours. Le Bureau Internationale examine actuellement si à ces majorations de versements en francs-papier, il n'y aurait pas lieu de substituer le versement de la cotisation normale en francs-or. Cette solution serait, peut-on dire, absolument conforme à l'esprit de la Convention du 5 juillet 1890, laquelle, en fixant le chiffre du Budget annuel du Bureau International, visait une situation où il y avait parité entre le franc-or et le franc-papier.

Je joins à la présente lettre deux exemplaires du texte de la Convention du 5 juillet 1890, ainsi que d'une traduction anglaise de ce texte.

Je saisis, &c.,

HENRI JASPAR.

A Son Excellence

le Très Honorable Sir George Grahame,
Ambassadeur de Sa Majesté Britannique,
Bruxelles.

Enclosure 2 in No. 89.

Estimate showing (in Belgian paper francs) the contribution due, in respect of the year 1923-24, from a new adherent to the Convention if falling under the Second Trade Category (i.e., whose average annual trade amounts regularly to from 2 to 4,000 millions of gold francs, that is, from £80,000,000 to £160,000,000).

	Francs.
Normal contribution (124.2 francs x 40 units)	4,970
Special contribution for current year equal to twice the normal contribution	9,940
	14,910
Optional contribution for Pension Fund 10 per cent. of normal contribution	497
Total subscription for present year	15,407
Contribution payable toward initial expenses of Bureau—49.5 francs approximate x 40 units	1,980
Total amount payable	17,387

Estimate showing (in Belgian paper francs) the contribution due, in respect of the year 1923-4, from a new adherent to the Convention if falling under the Third Trade Category (i.e., whose average annual trade amounts regularly to from 500 to 2,000 millions of gold francs, that is, from £20,000,000 to £80,000,000.)

Normal contribution (1242 francs x 25 units)	Francs. 3,106
Special contribution for current year equal to twice the amount contribution	6,212
	9,318
Optional contribution to Pension Fund, 10 per cent. of normal contribution	311
	9,629
Total subscription for present year	
Contribution payable toward initial expenses of Bureau— 495 francs x 25 units	1,237
	10,866
Total amount payable	

61413

No. 90.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 18th December, 1923.)

(No. 355.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 17th December, 1923.

I HAVE the honour to refer to Your Grace's despatch No. 623 of the 25th October last* regarding the question of the adherence of the Irish Free State to the International Convention for the Publication of Customs Tariffs, and to state that my Ministers do not at present propose to adhere to the Convention.

I have, &c.,

T. M. HEALY.

CZECHOSLOVAKIA.

(1) Commercial Treaty.

(Treaty Series 1924, No. 35.)

36686

No. 91.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(Irish Free State. No. 455.)

Dominions No. 280.)

[MY LORD,] [SIR,]

Downing Street, [31st July,] [1st August,] 1923.

[Not to Irish Free State: With reference to Viscount Milner's despatch Dominions No. 653 of the 16th August, 1919,†] I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] to be laid before your Ministers, copies of an Extract‡ from the *Board of Trade Journal* of the 19th July, containing the text of a Treaty of Commerce between the United Kingdom and Czechoslovakia,

* No. 89.

† No. 150 in Dominions No. 75.

‡ Not reprinted; the text of the Treaty appears in Treaty Series, 1924, No. 35.

which was signed in London on the 14th July, 1923, together with copies of Notes exchanged between the Secretary of State for Foreign Affairs and the Czechoslovak Foreign Minister regarding the date on which the Treaty shall be brought into operation.

I have, &c.,

DEVONSHIRE.

Enclosure 2 in No. 91.

Republique Tchecoslovaque, Légation a Londres,

8-9, Grosvenor Place, S.W.1, 14th July, 1923.

MY LORD MARQUESS,

It being undoubtedly in the interest of the development of commercial relations of both States that the Treaty of Commerce signed to-day should be brought into operation as soon as possible, I have the honour to state that the Czechoslovak Government, having authority by law, is prepared to bring this Treaty into force temporarily on the 1st September, 1923, it being understood without prejudice to the conditions relating to ratification under Article 11 of the Treaty of Commerce.

I have, &c.,

DR. EDVARD BENES.

The Most Honourable

The Marquess Curzon of Kedleston, K.G., G.C.S.I., &c.,

Foreign Office, S.W.1.

Enclosure 3 in No. 91.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 14th July, 1923.

I HAVE the honour to acknowledge the receipt of your note of to-day's date in which you state that the Czechoslovak Government, having authority by law, is prepared to bring the Treaty of Commerce signed to-day into force temporarily on the 1st of September, 1923, without prejudice to the conditions relating to ratification contained in Article 11 thereof.

It being undoubtedly in the interest of the development of commercial relations of both States that the Treaty should be brought into operation as soon as possible, I have the honour to inform Your Excellency that His Majesty's Government will bring it into force provisionally on the 1st of September, 1923, pending the exchange of ratifications.

I have, &c.,

CURZON OF KEDLESTON.

His Excellency

Dr. Edvard Benes,

&c., &c.,

&c.

43312

No. 92.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 31st August, 1923.)

[Answered by No. 93.]

(No. 249.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 29th August, 1923.

I HAVE the honour to refer to Your Grace's despatch No. 476 of the 9th instant,* on the subject of a Treaty of Commerce between the Governments of Great Britain and Czechoslovakia, and to state that, since under the second paragraph of Article IX of the Treaty there will, in effect, be mutual most-favoured-nation treatment between the Saorstad and Czechoslovakia, there does not appear to be any necessity for the former to bind itself by giving notice to adopt the stipulations of the Treaty until there has been more time to examine the effect of this and the many other commercial treaties existing or being made between Great Britain and other countries.

* 36225: not printed; it enclosed copies of notes exchanged with the Czechoslovak Foreign Minister on various matters arising in connexion with the Treaty.

2. It is observed, however, from the Note appended to the Treaty, that certain quantities are fixed, representing the amount of goods produced in territories, that appear to include the Saorstat, which may be admitted annually into Czechoslovakia, and, if it be correct that the Saorstat is included, my Ministers would be glad to learn what arrangements are in contemplation for determining the quota of each class of goods allocated to the Saorstat.

I have, &c.,

T. M. HEALY.

43312

No. 93.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 559.)

SIR, Downing Street, 17th September, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 249 of the 29th August,* regarding the recently signed Commercial Treaty with Czechoslovakia.

2. As regards paragraph 2, I enclose a copy of a Declaration, which was signed simultaneously with the Treaty, embodying the arrangement agreed upon with regard to the importation into Czechoslovakia of goods subject to licence. It is intended that the quantities of goods specified in the Schedule to this Declaration (which appeared in the Note on page 77 of the *Board of Trade Journal* of the 19th July) should relate to the whole of the imports into Czechoslovakia from the whole of the British Empire whether, in the case of goods produced or manufactured outside this country, they are sent via this country or not. It is hoped that the contingents actually prescribed in the Schedule are so high that, so long as the Czechoslovakian licensing system has to be retained, no question need arise as regards the division of the total for any particular class of goods between the several parts of the Empire.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 93.

DECLARATION.

Ad. Article II.

IN pursuance of Article 2 of the Treaty of Commerce signed this day, the Czechoslovak Government undertake that during the temporary continuance of the existing system of import restriction in Czechoslovakia goods produced and manufactured in the territories of His Britannic Majesty of the classes specified in the annexed Schedule shall be admitted into Czechoslovakia up to amounts not less than the quantities shown therein.

The Czechoslovak Government further undertake that, in the event of other or greater contingents being granted to any third country in respect of any article of interest to the trade of His Britannic Majesty's territories, an adequate contingent shall, at the request of His Britannic Majesty's Representative at Prague, be granted for similar articles produced or manufactured in His Britannic Majesty's territories, it being the intention of the Czechoslovak Government that in the administration of the system of import restrictions, there shall be no discrimination against the trade of His Britannic Majesty's territories.

The Czechoslovak Government also hereby declare their readiness at any time to give sympathetic consideration to any request made by His Britannic Majesty's Representative at Prague for the granting of a suitable contingent in respect of any article not at present included in the Schedule, or for otherwise modifying the Schedule.

* No. 92.

Ad. Article VI.

The Czechoslovak Government undertake in the event of British Companies or Associations applying for licences to carry on any description of business in Czechoslovakia to give in general the same favourable consideration to such applications as to those made on behalf of similar Companies or Associations of any other foreign country.

The above Declaration shall take effect as from the coming into force of the Treaty of Commerce, signed this day, and shall remain in force as long as that Treaty is in operation.

51614

No. 94.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 390.)

[MY LORD,] [SIR,]

Downing Street, 20th October, 1923.

WITH reference to my despatch Dominions No. 280 of the 31st of July,* regarding the Commercial Treaty with Czechoslovakia, I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a Declaration,† which was signed simultaneously with the Treaty, embodying the arrangement agreed upon with regard to the importation into Czechoslovakia of goods subject to licence.

2. The Schedule to this Declaration was contained in the extract from the *Board of Trade Journal* of the 19th of July, copies of which were enclosed in my despatch under reference.

I have, &c.,

DEVONSHIRE.

54287

No. 95.

SOUTHERN RHODESIA.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 55.)

SIR,

Downing Street, 19th November, 1923.

I HAVE the honour to transmit to you, for the consideration of your Ministers, a copy of a Note from the Czechoslovak Minister inquiring which Dominions, Colonies and Protectorates accord to Czechoslovak goods treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

2. Copies of an extract from the *Board of Trade Journal* of the 19th of July,‡ containing the text of the Treaty of Commerce between the United Kingdom and Czechoslovakia, signed in London on the 14th of July, 1923, are enclosed herewith, together with copies of a Declaration† signed simultaneously with the Treaty, embodying the arrangement agreed upon with regard to the importation into Czechoslovakia of goods subject to licence.

3. I should be glad to learn what reply your Ministers would wish to be returned to the Czechoslovak Minister as regards Southern Rhodesia.

I have, &c.,

DEVONSHIRE.

* No. 91.

† Enclosure in No. 93.

‡ Not reprinted; the text of the Treaty appears in Treaty Series, 1924, No. 35.

Enclosure 1 in No. 95.

Czechoslovakian Republic, Legation in London,

8-9, Grosvenor Place, S.W.1, 31st October, 1923.

My LORD MARQUESS,

I HAVE the honour to refer to Article IX of the Treaty of Commerce concluded between our two countries in July last, and in view of the provision of its second paragraph, I should be grateful if I could be supplied with a list of the Dominions, Colonies, Possessions or Protectorates according to Czechoslovak goods, treatment as favourable as that accorded to goods produced or manufactured in any other foreign country, together with an explanation as to the treatment accorded to Czechoslovak goods in India.

The object of this request is to enable the Czechoslovak Ministry of Finance to issue definite instructions to the customs authorities, so as to assure reciprocity.

I have, &c.,

VOJTECH MASTNY.

The Most Honourable

The Marquess Curzon of Kedleston, K.G., G.C.S.I., &c.,
Foreign Office, S.W.1.

54287

No. 96.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 98 and 99.]

(Canada.	} Dominions No. 427.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	
(Irish Free State. No. 672.)	

[My LORD,] [SIR,]

Downing Street, [19th] [20th] November, 1923.

WITH reference to my despatch [Dominions No. 280 of the 31st of July,*] [No. 455 of the 1st of August,*] relative to the Treaty of Commerce between the United Kingdom and Czechoslovakia, I have the honour to transmit to [Your Excellency.] [Your Royal Highness.] [you,] for the consideration of your Ministers, a copy of a note† from the Czechoslovak Minister, inquiring as to the Dominions, Colonies and Protectorates which accord to Czechoslovak goods treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

2. I shall be glad to learn what reply your Ministers would wish to be returned to the Czechoslovak Minister as regards [Canada.] [the Commonwealth of Australia, Papua, Norfolk Island, and the Mandated Territory of New Guinea.] [New Zealand and Western Samoa.] [the Union of South Africa and South-West Africa.] [Newfoundland.] [the Irish Free State.]

I have, &c.,

DEVONSHIRE.

62928

No. 97.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 31st December, 1923.)

(No. 378.)

Governor-General's Office, Melbourne,

26th November, 1923.

My LORD DUKE,

REFERRING to your despatch dated 10th August, 1923, Dominions No. 301,† on the subject of a Commercial Treaty between the United Kingdom and Czechoslovakia, I have the honour to inform Your Grace that my Ministers do not consider it desirable that the Commonwealth should become a party to the Treaty in question.

I have, &c.,

FORSTER,

Governor-General.

* No. 91. † Enclosure in No. 95.

‡ 36225 not printed; it enclosed copies of notes exchanged with the Czechoslovak Foreign Ministers on various matters arising in connexion with the Treaty.

62902

No. 98.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 31st December, 1923.)

(No. 616.)

My LORD DUKE,

Government House, Ottawa, 19th December, 1923.

WITH reference to Your Grace's despatch No. 427 of the 19th November,* regarding the desire of the Czechoslovak Minister at London to be supplied with a list of the Dominions, Colonies and Protectorates which accord to Czechoslovak goods treatment as favourable as that accorded to goods produced or manufactured in any other foreign country. I have the honour to inform you that Canada cannot be placed on such a list. Czechoslovak goods enter Canada under the General Tariff, while goods of certain other countries are accorded lower tariff rates.

A copy of Memorandum No. 36 of the Department of Customs and Excise, dated 14th September, 1923, on the subject of the French Convention, 1922, is enclosed. In this Memorandum is set out a list of countries accorded most-favoured-nation treatment in tariff matters by Canada, and Czechoslovakia is not in this list.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 98.

MEMORANDUM.

Department of Customs and Excise, Canada.

Ottawa, 14th September, 1923.

To Collectors of Customs and Excise and others concerned.

FRENCH CONVENTION, 1922, IN FORCE 5TH SEPTEMBER, 1923.

1. The Convention of 15th day of December, 1922, between Canada and France, hereinafter called "The Franco-Canadian Convention of 1922," having been approved by Act of Parliament, 13th June, 1923, and duly ratified, is published herewith for the information of Customs Officers and others concerned.

2. Under Article 26 of this Convention the agreement of 29th January, 1921, regulating the commercial relations between France and Canada shall cease from operation on the date of the coming into force of the present Convention; and so shall the Commercial Convention of 1907, amended in 1909, in so far as it was kept in force by the said agreement. The following memoranda are hereby cancelled:—

No. 1566—B.

No. 1568—B.

No. 2368—B.

No. 2398—B.

No. 5 and

No. 5 (Supplement A).

3. The rates of duties set forth in Schedules D, E, and F of the Franco-Canadian Convention of 1922, hereto appended, apply to natural and manufactured products originating in and coming from France and from the French Colonies, Possessions and Protectorates (which are held to include such products from the Saar Basin, until otherwise ordered) upon entry for duty in Canada, on and after the 5th day of September, 1923, when such products have been conveyed without transshipment from a port of those territories or from a port of a country enjoying the benefits of the Preferential or Intermediate Tariffs into a sea or river port of Canada. This applies to goods taken out of warehouse for consumption on and after the 5th day of September, 1923, and also to goods previously imported for which no entry for consumption was made before that day.

Note.—Products originating as specified in this paragraph may be imported into Canada, subject to entry under this Convention, when conveyed without transshipment to a sea or river port of Canada from any British country entitled to the benefits of the Convention or from any country accorded most-favoured-nation treatment in tariff matters by Canada.

* No. 96.

4. Under the provisions of Section 5 (paragraphs 1 and 2) of the Franco-Canadian Convention of 1922, as per copy hereto appended, natural and manufactured products of the following countries are entitled to entry for duty in Canada on and after the coming into force of this Convention, upon the terms and conditions granted in respect of like natural and manufactured products originating and coming from France and from the French Colonies, Possessions and Protectorates, viz.:—

The United Kingdom.

All British Colonies and British Possessions which grant to Canada the benefit of the most favourable Customs tariff treatment which they may extend to any foreign country; and also the following countries accorded most-favoured-nation treatment in tariff matters by Canada:—

Argentina Republic.	Russia.
Colombia.	Sweden.
Denmark.	Switzerland.
Japan.	Venezuela.
Norway.	

Until further advised, all British Colonies and Possessions are held to be entitled to the benefits of this Convention.

5. Treatment of commercial travellers' samples under the Franco-Canadian Convention of 1922, is to be continued as outlined in Memorandum No. 1729—B.

6. (a) Invoices of articles for entry in Canada under the Franco-Canadian Convention of 1922, shall be certified as to origin, quantity, value and any other particulars as prescribed by the Customs regulations.

(b) Every invoice of champagne, cognac brandy and armagnac brandy shall be accompanied by a certificate of analysis and purity issued under the authority of the Government of the country of production (Vide Article XX.)

(c) Goods which are not accompanied by proper certificates shall be entered under the General Tariff.

7. Schedule D provides for fixed rates of duty on certain articles on entering Canada. (Vide Article IX of the Franco-Canadian Convention).

Schedule E provides for Intermediate Tariff rates less a discount of 10 per cent. on the amount of duty on certain articles entering Canada. (Vide Article X).

Schedule F provides for Intermediate Tariff rates less a discount of 15 per cent. on the amount of duty on certain articles entering Canada. (Vide Article XI).

All other articles enter Canada at Intermediate Tariff rates. (Vide Article VIII).

The following documents are appended hereto:—*

The French Convention Act, 1923.

Franco-Canadian Convention of Commerce between Canada and France, 1922.

Schedule "A" of the Franco-Canadian Convention, 1922.

Schedule "B" of the Franco-Canadian Convention, 1922.

Schedule "C" of the Franco-Canadian Convention, 1922.

Schedule "D" of the Franco-Canadian Convention, 1922.

Schedule "E" of the Franco-Canadian Convention, 1922.

Schedule "F" of the Franco-Canadian Convention, 1922.

Ratification of the Franco-Canadian Convention, 1922.

A. R. FARROW,

Commissioner of Customs and Excise.

62963

No. 99.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st December, 1923.)

(No. 364.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 24th December, 1923.

WITH reference to Your Grace's despatch No. 672 of the 20th November,† relative to the Treaty of Commerce between the United Kingdom and Czechoslovakia, I have the honour to inform Your Grace that, so far as Customs Duties are concerned,

* Not printed here.

† No. 96.

goods produced or manufactured in Czechoslovakia are accorded, on importation into Saorstat Eireann, treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

I have, &c.,

T. M. HEALY.

(2) Agreement on Commercial Travellers' Samples.

(Treaty Series 1923, No. 19, and 1924, No. 14.)

19915

No. 100.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 103, 104, 105 and 106.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 151.)

[MY LORD,] [SIR,]

Downing Street, 2nd May, 1923.

WITH reference to my despatch Dominions No. 67 of the 1st of March,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, a copy of a Note from the Czechoslovak Chargé d'Affaires relative to the Agreement of the 31st of January regarding Commercial Travellers' Samples.

2. I shall be glad to learn whether your Ministers wish arrangements to be made for the extension of the Agreement to [Canada.] [Australia.] [New Zealand.] [the Union of South Africa.] [Newfoundland.]

I have, &c.,

DEVONSHIRE.

Enclosure in No. 100.

MY LORD MARQUESS,

8-9, Grosvenor Place, S.W.1, 6th April, 1923.

I HAVE the honour to refer to the Agreement between our two countries respecting Commercial Travellers' Samples recently signed in London, and to state that the Czechoslovak Government is anxious that this Agreement might become operative in all parts of the British Empire.

I am to inquire, therefore, which parts of the British Empire would be willing to accept this Agreement, in which case I should like to place a formal request for the extension of its operation or to hear of any special conditions that might be attached to such accession.

I have, etc.,

Chargé d'Affaires a.i.

The Most Honourable

The Marquess Curzon of Kedleston,

K.G., G.C.S.I., &c.

19915

No. 101.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 102.]

(No. 310.)

SIR,

Downing Street, 24th May, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, copies of an extract† from the *Board of Trade Journal* of the 22nd February relating to an Agreement, signed on the 31st January, between His Majesty's Government and the Government of the Czechoslovak Republic

* Not printed; it enclosed a copy of the Agreement on page 245 of the *Board of Trade Journal* of the 22nd February. † Page 245 of the *Board of Trade Journal* of the 22nd February.

regarding Commercial Travellers' Samples, together with a copy of a Note* from the Czechoslovak Chargé d'Affaires regarding the desire of his Government that the Agreement should be extended to other parts of the British Empire.

2. I shall be glad to learn whether your Ministers wish arrangements to be made for the extension of the Agreement to the Irish Free State.

I have, &c.,

DEVONSHIRE.

29756

No. 102.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th June, 1923.)

(No. 169.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 13th June, 1923.

I HAVE the honour to refer to Your Grace's despatch No. 310 of the 24th ultimo† relative to an Agreement signed on the 31st January last between His Majesty's Government and the Government of the Czechoslovak Republic, and to inform Your Grace that the terms of this Agreement are substantially the same as those at present operative with regard to samples introduced into the Free State by commercial travellers belonging to specified countries such as Belgium, France, Italy and Japan, etc., and my Ministers agree, therefore, to the extension of this Agreement to the Irish Free State.

2. On receipt of a notification from Your Grace that such extension has been formally concluded, the necessary instructions will be issued to the Officers of Customs and Excise in the Irish Free State.

I have, &c.,

T. M. HEALY.

35532

No. 103.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17th July, 1923.)

[Answered by No. 108.]

(No. 334.)

MY LORD DUKE,

Governor-General's Office, Cape Town,

23rd June, 1923.

I HAVE the honour to transmit to Your Grace herewith, with reference to your despatch Dominions No. 151 of the 2nd May, 1923,‡ copy of Minute No. 459 from Ministers (with enclosure) on the subject of the extension to the Union of South Africa of the Agreement of the 31st of January with the Czechoslovak Republic regarding Commercial Travellers' Samples.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 103.

MINUTE No. 459.

Prime Minister's Office, 22nd June, 1923.

MINISTERS have the honour to refer to the despatch from the Secretary of State for the Colonies transmitted under cover of His Royal Highness's Minute No. 21/323 of the 23rd May, 1923, and to state in reply that the Union Government is willing to become a party to the Agreement relating to Commercial Travellers' Samples between His Majesty's Government and the Czechoslovakian Government, provided it is understood that the amount of duty must be deposited in money, and that the sum paid cannot be refunded until actual export of the samples, within one year, because no facilities exist for a refund of duty on their being placed in bond.

* Enclosure in No. 100.

† No. 101.

‡ No. 100.

For the information of His Majesty's Government, a copy of the Union Government Regulations relating to the treatment of commercial travellers' samples is attached hereto.

J. C. SMUTS.

COMMERCIAL TRAVELLERS: REFUND OF DUTY ON SAMPLES RE-EXPORTED.

SECTION SIX OF ACT NO. 26 OF 1914.

In order to obtain a refund of the duty originally paid on bona fide travellers' samples on the re-export thereof, the following conditions must be complied with:—

- (a) The samples in question must be re-exported within twelve months of the date of importation.
- (b) Due notice must be given of the intended shipment to the Collector of Customs at the port of export.
- (c) The original invoices bearing the date stamp of the Customs officer who verified the importation of the samples in question must be produced and every facility for the examination of the goods shown thereon must be given. The containing packages shall thereafter be sealed up by the Customs officer.
- (d) A certificate must be produced from the proper officer of Customs to the effect that the packages have been duly shipped and that the Customs seals were intact.

40305

No. 104.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th August, 1923.)

(No. 171.)

MY LORD DUKE,

Government House, Wellington, 27th June, 1923.

WITH reference to your despatch Dominions No. 151 of the 2nd May,* I have the honour to inform Your Grace that my Ministers advise me the Government of New Zealand would be glad if arrangements could be made for the extension to New Zealand of the Agreement regarding Czechoslovak Commercial Travellers' Samples.

I have, &c.,

JELlicoe,
Governor-General.

42446

No. 105.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 27th August, 1923.)

(No. 71.)

MY LORD DUKE,

Government House, St. John's, 13th August, 1923.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 151 of the 2nd of May* forwarding copy of a Note from the Czechoslovak Chargé d'Affaires relative to the Agreement of the 31st of January regarding Commercial Travellers' Samples.

2. I am informed by my Ministers that, under the Agreement made at the Imperial Customs Conference and now in force in this country, any commercial traveller is entitled to bring in samples under the conditions set forth in the Agreement.

* No. 100.

3. My Ministers have no objection to offer to the extension of this Agreement to Newfoundland, presuming that the conditions now in force would be satisfactory to the Czechoslovak Republic.

I have, &c.,
W. L. ALLARDYCE.

44534

No. 106.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th September, 1923.)

(No. 245.)

Governor-General's Office, Melbourne,

MY LORD DUKE,

31st July, 1923.

REFERRING to Your Grace's despatch dated 2nd May, 1923, Dominions No. 151,* covering a copy of a Note from the Czechoslovak Chargé d'Affaires in London, relative to the Agreement of 31st January regarding Commercial Travellers' Samples, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government does not at present desire that arrangements be made for the extension to Australia of the Agreement in question.

I have, &c.,
FORSTER,
Governor-General.

49284

No. 107.

SOUTHERN RHODESIA.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 16.)

SIR,

Downing Street, 13th October, 1923.

I HAVE the honour to transmit to you, to be laid before your Ministers, a copy of an Agreement† between Great Britain and the Czechoslovak Republic respecting Commercial Travellers' Samples, signed at London on the 31st of January, 1923. (Cmd. 1958, Treaty Series No. 19 of 1923.)

2. The Czechoslovak Government are anxious that the Agreement might become operative in all parts of the Empire, and I should be glad to learn whether your Ministers wish arrangements to be made for its extension to Southern Rhodesia.

I have, &c.,
DEVONSHIRE.

55057

No. 108.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 305.)

SIR,

Downing Street, 20th November, 1923.

WITH reference to Your Royal Highness's despatch No. 334 of the 23rd of June,† I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of correspondence with the Czechoslovak Minister in London regarding the extension of the Agreement respecting Commercial Travellers' Samples to the Union of South Africa.

* No. 100. † See Treaty Series 1923, No. 19. ‡ No. 103.

2. It is anticipated that the accession to the Agreement of the various self-governing Dominions who have already expressed a desire to accede, will shortly be effected by exchange of notes with the Czechoslovak Minister in London.

I have, &c.,
DEVONSHIRE.

[41283]

Enclosure 1 in No. 108.

SIR,

Foreign Office, S.W.1, 16th August, 1923.

WITH reference to Monsieur Bros' Note of 6th April,* I have the honour to inform you that the Government of the Union of South Africa have signified their desire that the Agreement between Great Britain and Czechoslovakia relating to Commercial Travellers' Samples signed at London on 31st January last, should be extended to the Union of South Africa, provided it is understood that the amount of duty must be deposited in money, and that the sum paid cannot be refunded until the actual export of the samples, within one year, because no facilities exist for a refund of duty on their being placed in bond. A copy of the Union Government Regulations† relating to the treatment of commercial travellers' samples is enclosed herewith for the information of the Czechoslovak Government.

2. As regards the technical procedure entailed, until the ratifications of the main agreement have been exchanged at Prague, no operative treaty arrangement exists which can be extended to the Union of South Africa and other parts of His Majesty's Dominions who have also been invited to express their wishes in the matter. When that necessary preliminary has been completed, a formal exchange of notes will, if the Czechoslovak Government agree, be sufficient in the view of His Majesty's Government to extend the agreement to any part of the British Empire desiring to participate therein.

3. I have therefore the honour to suggest that, as soon as the ratifications of the agreement have been exchanged at Prague, the participation of the Union of South Africa and such other parts of His Majesty's Dominions as desire to participate in the understanding reached, should be arranged by a formal exchange of notes between the Czechoslovak Legation in London and the Foreign Office.

I have, &c.,
MILES W. LAMPSON.

Dr. Vojtech Mastny,
&c., &c., * &c.

Enclosure 2 in No. 108.

MY LORD MARQUESS, 8-9, Grosvenor Place, S.W.1, 7th November, 1923.

ON instructions received from my Government, I have the honour to refer to Your Lordship's Note of the 16th August, 1923, and I am to express the Czechoslovak Government's desire that the agreement between Great Britain and Czechoslovakia relating to Commercial Travellers' Samples signed at London on 31st January last and ratified at Praha on 7th September last, should be extended to the Union of South Africa with the modification explained in your Note, namely, that the amount of duty must be deposited in money and that the sum paid cannot be refunded until the actual export of the samples, within one year.

I have, &c.,

The Most Honourable

The Marquess Curzon of Kedleston, K.G., G.C.S.I., &c.,
Foreign Office, S.W.1.

* Enclosure in No. 100. † Sub-enclosure in No. 103.

ELECTRICAL COMMUNICATIONS: PROPOSED INTERNATIONAL CONVENTION.
VOTING POWER OF DOMINIONS.

27430

No. 109.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 110 and 111.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 239.)

[MY LORD,] [SIR,]

Downing Street, 4th July, 1923.

WITH reference to my despatch Dominions No. 44 of the 5th of February,* I have the honour to request [Your Excellency,] [Your Royal Highness,] [you,] to inform your Ministers that His Majesty's Government have had under examination the Revised Draft Convention and Regulations of the Universal Electrical Communications Union, and more particularly those Articles of the Draft Convention, namely† the last section of Article 21, and Articles 22 and 24, which relate to the exercise of votes in Conferences, and to accessions to the Convention.

2. His Majesty's Government are of opinion that these three Articles need revision in certain important particulars, and they propose to suggest that the Articles should be replaced by new Articles, of which drafts are enclosed.

3. It is proposed also that the revised Articles shall be accompanied by the enclosed Note, explanatory of the object of the revision, which is, as your Ministers will observe, to ensure that any Government on whose behalf a separate signature has been affixed to the Convention, or an individual notice of accession is given under the Article designated "B," shall be regarded as a Contracting Government and as such entitled to a vote at General Conferences of Delegates.

I have, &c.,

DEVONSHIRE.

* 3963: not printed; it enclosed documents relating to the proposed revised Convention.

† These Articles read as follows:—

Article 21.— With this object, administrative Conferences will take place periodically, each Conference fixing the time and place of the next meeting.

Article 22.—These Conferences shall be composed of delegates representing the Administrations of the contracting countries.

In the deliberations each country shall exercise one vote only.

If a Government accede to the Convention for its colonies, possessions, or protectorates, subsequent Conferences may decide that the whole or part of such colonies, possessions, or protectorates is to be regarded as forming a country for the purposes of the foregoing clause. Nevertheless, the number of votes to be exercised by a Government, including its colonies, possessions, or protectorates, may not exceed six. The following Governments shall each have six votes: The United States, France, the British Empire, Italy, and Japan.

The following are regarded as forming each a single country for the purpose of the present Article:

The Belgian Congo;
The Spanish Colony of the Gulf of Guinea;
The Dutch Indies;
The Colony of Curaçao;
Portuguese West Africa; and
Portuguese East Africa and the Portuguese possessions in Asia.

Article 24.—States which have not taken part in the present Convention will be allowed to adhere to it on their request.

The accession will, in itself, carry with it acceptance of all of the clauses of, and admission to, the last Conference was held, and by that State to all the others.

The accession will, in itself, carry with it acceptance of all of the clauses of, and admission to all the advantages conferred by the present Convention.

The accession to the Convention of the Government of a country having colonies, possessions, or protectorates shall not carry with it the accession of the colonies, possessions, or protectorates of such Government, unless a declaration be made to that effect by such Government. The colonies, possessions, or protectorates as a whole, or each one of them separately, may form the subject of a separate accession or a separate denunciation under the conditions indicated in the present Article and in Article 27.

[17451]

Enclosure 1 in No. 109.

ARTICLES CONCERNING VOTES AND ACCESSIONS.

"A."—General Conferences of delegates of the Contracting Governments shall take place periodically, each Conference fixing the place and time of the next meeting. In the deliberations each Contracting Government shall be entitled to one vote.

"B."—Any non-signatory Government (whether of an independent State, Dominion, Colony, possession, protectorate, or territory under mandate) which conducts its own telegraph administration, either directly or through the medium of private enterprise, may accede to the present Convention. Such accession will be notified through the diplomatic channel to the Contracting Government in whose territory the last Conference was held, and by that Government to the other Contracting Governments.

The accession will, in itself, carry with it acceptance of all the clauses of, and admission to all the advantages conferred by, the present Convention.

In the event of the accession to the present Convention of the Government of a State having colonies, possessions, protectorates, or territories under mandate, the notice of accession shall state whether or not it applies to such colonies, possessions, protectorates or territories, or any of them.

"C."—For the purposes of the present Convention any Government on whose behalf a separate signature has been affixed to the Convention, or an individual notice of accession is given under Article "B," shall be regarded as a Contracting Government.

[17451]

Enclosure 2 in No. 109.

DRAFT NOTE ON THE BRITISH PROPOSALS REGARDING VOTES AND ACCESSIONS.

The draft prepared at Washington assigned multiple votes to certain specified Governments. This proposal, though it might perhaps be held to represent the telegraphic importance of the Powers concerned, seems logically to involve a general grading of States for purposes of votes, a matter which it would obviously be difficult to arrange satisfactorily and which might involve the Conference at its outset in long and fruitless debate.

The British Government, on further consideration, is inclined to think that the principle of the equality within the Convention of the Contracting Governments as defined in Article "C" should be taken as the basis, and that one vote only should be exercised by each Contracting Government. The existing signatories of the Telegraph and Radio-telegraph Conventions will naturally form the great majority of signatories of the combined Convention, each Government which is separately represented being regarded as a Contracting Government. In the provision made in Article "B" for future accessions it is proposed to restrict the right of accession to Governments which conduct their own telegraph administration either directly or through the medium of private enterprise.

It is thought that this proposal will meet with general assent, its object being to ensure that each territory which for telegraph purposes may be regarded as an administrative unit, and capable, as such, of making a useful and independent contribution to the deliberations of Conferences, and which has a substantial amount of international telegraph traffic, shall be qualified for a vote.

So far as the British Government is concerned, it is suggested that not more than one vote should be claimed in respect of the British non-self-governing Colonies, Protectorates, etc., it being understood that the British Government itself and the Governments of each of the self-governing Dominions and of India, would be entitled, in view of their international telegraphic importance, to sign separately or to accede separately under Article "B."

42455

No. 110.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th August, 1923.)

(No. 426.)

MY LORD DUKE,

Government House, Ottawa, 15th August, 1923.

WITH reference to Your Grace's despatch Dominions No. 239 of the 4th July* regarding votes for the Dominion at the next International Telegraph and Radio-telegraph Convention, it appears to my Government that the proposal to eliminate the arbitrary maximum of six votes for any country, including its dominions, colonies, etc., and the substitution therefor of the principle of one vote for each country operating a telegraph system, would seem to be not only an equitable and reasonable arrangement, but one in the interests of the British Empire as a whole, since it would tend to increase its voting power. Such being the case, my Government concur in the Imperial draft, and will be pleased to support it when presented to the next Convention for discussion.

I have, &c.,

BYNG OF VIMY.

45004

No. 111.

UNION OF SOUTH AFRICA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th September, 1923.)

(No. 441.)

MY LORD DUKE,

Governor-General's Office, Pretoria, 21st August, 1923.

I HAVE the honour to transmit to Your Grace herewith, with reference to your despatch Dominions No. 239 of 4th July, 1923,* copy of a Minute from Ministers on the subject of the proposals of His Majesty's Government regarding the Revised Draft Convention and Regulations of the Universal Electrical Communications Union.

I have, &c.,

J. ROSE INNES,

Deputy for the Governor-General.

Enclosure in No. 111.

MINUTE No. 594.

MINISTERS have the honour to acknowledge receipt of His Royal Highness's Minute No. 43/749 of the 31st July, 1923, covering a despatch from the Secretary of State for the Colonies containing the proposals which His Majesty's Government intends to submit to the International Conference of the Universal Electrical Communications Union regarding voting at Conferences and adhesions to the Convention. Ministers respectfully beg that His Royal Highness may be pleased to inform His Majesty's Government that they entirely concur in the proposals, and that the Union delegate to the forthcoming Conference will be instructed to support them.

J. C. SMUTS.

* No. 109.

48681

No. 112.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 635.)

SIR,

Downing Street, 5th November, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of the English version of the Revised Draft of a Convention and Regulations* of the Universal Electrical Communications Union.

2. The origin and scope of this document are set out in the Preface on page 3, from which your Ministers will observe that it results from a proposal for the amalgamation of the existing Telegraph and Radio-telegraph Conventions. I enclose a copy of the latter Convention† for convenience of reference.

3. It will be further observed that the present document, so far as the technical wireless provisions are concerned, is a revision, carried out in accordance with the recommendations of an Inter-Allied Technical Committee which met at Paris in 1921, of a draft prepared at Washington in December, 1920, and in this connexion your Ministers may find the enclosed Report* of the Technical Committee of interest.

4. His Majesty's Government have recently had under examination the Draft Convention and Regulations and more particularly those Articles of the Draft Convention, namely,‡ the last section of Article 21, and Articles 22 and 24, which relate to the exercise of votes in Conferences, and to accessions to the Convention.

5. They are of opinion that these Articles require revision in certain important particulars, and they propose to suggest that the Articles should be replaced by new Articles, drafts of which are enclosed.§

6. It is proposed also that the revised Articles shall be accompanied by the enclosed Note,|| explanatory of the object of the revision, which is, as your Ministers will observe, to ensure that any Government on whose behalf a separate signature has been affixed to the Convention, or an individual notice of accession is given under the Article designated "B," shall be regarded as a Contracting Government and as such entitled to a vote at General Conferences of Delegates.

7. It is intended that the Draft Convention and Regulations, together with such modifications as the various Governments concerned may desire to put forward, shall eventually be considered by a World Conference on Electrical Communications.

8. The time and place of meeting of the Conference have not yet been definitely settled, but at present it appears probable that the task of summoning delegates will be undertaken by the French Government, and it is not unlikely that the Conference will be held some time during the first six months of the coming year.

9. As a consequence of the notification regarding the International Telegraph Convention, which, as stated in my despatch No. 636 of the 5th November,¶ I have asked the Secretary of State for Foreign Affairs to make in accordance with the request contained in your despatch No. 291 of the 12th October,** the French Government, should they finally undertake the summoning of the Conference, will presumably issue to the Irish Free State, as to the Governments of the other Dominions, an invitation to be represented at the proposed World Conference.

I have, &c.,

DEVONSHIRE.

* Not printed here. † Treaty Series 1913, No. 10. ‡ See note to No. 109. § Enclosure 1 in No. 109. || Enclosure 2 in No. 109. ¶ No. 187. ** No. 186.

EXTRADITION TREATIES.

Belgium.

(Treaty Series 1924, No. 1.)

58112

No. 113.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 440.)

(Irish Free State. No. 676.)
(Southern Rhodesia. No. 71.)

[MY LORD,] [SIR,] Downing Street, [22nd] [(I.F.S.) 23rd] November, 1923.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of a Convention* between His Majesty and the King of the Belgians providing that the Extradition Treaties with Belgium of the 29th October, 1901, the 5th March, 1907, and the 3rd March, 1911, shall apply to the Belgian Congo and to certain British Protectorates. The ratifications of this Convention were exchanged on the 15th October.

2. The view of His Majesty's Government has been that extradition between His Majesty's Dominions and the Belgian Congo was already provided for by Article 14 of the Treaty of the 29th October, 1901, but the Belgian Government found difficulty in accepting this view, no legislation having been passed to give effect to the Treaty in the Belgian Congo. Accordingly, as it was necessary in any case to negotiate a Treaty governing extradition between the British Protectorates in question and the Belgian Congo, it was thought desirable to take the opportunity formally to stipulate that the existing Extradition Treaties shall apply to the Belgian Congo.

3. In the circumstances, it is proposed to issue a formal Order in Council under section 2 of the Extradition Act, 1870, on the usual lines. The draft of this Order in Council† is enclosed.

4. The Convention will come into effect ten days after the publication of the Order in Council in the *London Gazette*. I shall inform you later of the date fixed for publication.

[To Irish Free State only: 5. Similar despatches are being sent to the other self-governing Dominions.]

[To Southern Rhodesia only: 5. A separate despatch‡ is being addressed to you with regard to extradition arrangements generally.]

I have, &c.,

DEVONSHIRE.

FINLAND.

Proposed Tonnage Measurement Agreement.

(Treaty Series 1924, No. 30.)

60687

No. 114.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 21.)

SIR,

Downing Street, 12th January, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of the draft of a proposed Agreement§ with Finland respecting tonnage measurement which has been communicated to the Finnish Government.

* See Treaty Series, 1924, No. 1. † See S.R.O. 1924, No. 81, for order as issued. ‡ No. 336.

§ Enclosure in No. 69 in Dominions No. 87.

2. Unless your Ministers express an opinion to the contrary, it is proposed that the Agreement should now be altered by the addition of the Irish Free State to the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa in the clause providing for separate termination of the Agreement.

I have, &c.,

DEVONSHIRE.

4951

No. 115.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29th January, 1923.)

[Answered by No. 116.]

(No. 18.)

MY LORD DUKE,

Government House, Ottawa, 12th January, 1923.

WITH reference to Your Grace's despatch Dominions No. 424 of the 13th December,* enclosing a copy of a draft of the proposed agreement with Finland respecting tonnage measurement, I have the honour to inform you that the Canadian Government concurs in this proposed agreement.

I have, &c.,

BYNG OF VIMY.

45511

No. 116.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 117, 118, 119, 120, 121.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

(Irish Free State. No. 565.)

Dominions No. 354.)

[MY LORD,] [SIR,]

Downing Street, [22nd] [21st] September, 1923.

WITH reference to my despatch [Dominions No. 424 of the 13th of December, 1922,*] [No. 21 of the 12th of January,†] [To Canada only: and to Your Excellency's despatch No. 18 of the 12th of January,‡] I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the consideration of your Ministers, a copy of a revised draft§ of the proposed Tonnage Measurement Agreement with Finland.

2. It will be seen that considerable modifications have been introduced into the Agreement by the Finnish Government, and I should be glad to learn whether your Ministers concur in the terms of the Agreement as revised.

[To 5 Dominions only: 3. I should be glad if a reply to this despatch could be sent by telegraph.]

[To Irish Free State only: 3. Similar despatches are being sent to the Officers Administering the Governments of the other Dominions, who are being asked to communicate their replies by telegraph.]

I have, &c.,

DEVONSHIRE.

* No. 69 in Dominions No. 87. † No. 114. ‡ No. 115. § Not printed: the modifications made in the text were of a technical character.

49758

No. 117.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12th October, 1923.)

(No. 290.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 11th October, 1923.

WITH reference to Your Grace's despatch No. 565 of the 21st ultimo,* transmitting, for the consideration of my Ministers, a copy of a revised draft of the proposed Tonnage Measurement Agreement with Finland, I have the honour to inform Your Grace that, although the modifications now introduced by the Finnish Government involve certain difficulties in the practical application of the terms of the Agreement, my Ministers do not consider that objection need be taken to the revised draft, and they are prepared, in so far as Saorstát Éireann is concerned, to accept the proposed Agreement.

I have, &c.,
T. M. HEALY.

54119

No. 118.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.32 p.m., 8th November, 1923.)

TELEGRAM.

8TH NOVEMBER. Your despatch 22nd September, Dominions 354.* Ministers concur in the terms of the revised draft of Tonnage Measurement Agreement with Finland.—ARTHUR FREDERICK.

56351

No. 119.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.30 p.m., 21st November, 1923.)

TELEGRAM.

21ST NOVEMBER. Your despatch of 22nd September, Dominions No. 354.* Canadian Government concurs in terms of proposed Tonnage Measurement Agreement with Finland as revised.—BYNG.

61996

No. 120.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.42 a.m., 22nd December, 1923.)

TELEGRAM.

22ND DECEMBER. Your despatch of 22nd September, Dominions No. 354.* My Government have no objection to the proposed amendment to Tonnage Measurement Agreement with Finland.—JELICOE.

* No. 116.

63002

No. 121.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9.5 p.m., 29th December, 1923.)

TELEGRAM.

29TH DECEMBER. Your despatch of 22nd September, Dominions No. 354.* My Ministers concur.—ALLARDYCE.

FOREIGN AFFAIRS.

31326

No. 122.

NOTE ON PRESENT PROCEDURE AS REGARDS COMMUNICATION WITH THE GOVERNMENTS OF THE SELF-GOVERNING DOMINIONS ON FOREIGN AFFAIRS.

(Confidential.)

(1) *Imperial Conferences*.—A great part of the proceedings of recent Imperial Conferences has consisted of a review of foreign affairs generally, and a discussion of the main lines of policy to be pursued.

While the Conferences have been in session, the Prime Ministers see copies of the more important Foreign Office despatches, etc., such as are circulated to Ministers in this country: these papers include, e.g., reports of conversations with Foreign Ambassadors and general reports from His Majesty's Representatives abroad; the Dominion Prime Ministers also have circulated to them the daily print of Foreign Office telegrams.

During the periods when the Conference is not in session, copies of Foreign Office despatches, etc., are sent weekly to the Dominion Prime Ministers, and periodical telegrams are sent giving information as to current events of special importance (e.g., the Conference at Lausanne, the recent negotiations with Russia, the situation in the Ruhr, etc.). In addition, His Majesty's Government are in close touch with the Dominion Governments as to the lines of policy which it may be proposed to adopt in connexion with such events.

(2) *International Conferences*.—In connexion with all important International Conferences, it is settled beforehand in consultation whether the Dominions are separately represented or not.

In cases where the Dominions are separately represented, co-operation between the Representatives of His Majesty's Government and the Dominion Representatives is secured by meetings of the delegates who form in effect a "British Empire Delegation," and also by the organization of a joint British Secretariat. Any international instruments resulting from the Conference are in such cases signed separately on behalf of the Dominions.

When the Dominions are not separately represented, the practice is to settle in consultation whether any international instruments resulting from the Conference should be signed separately by representatives of the Dominions, or signed only by those British Representatives who have taken part in the negotiations. (When the Dominions are not separately represented, it is customary to keep the Dominion Governments informed of the progress of the negotiations).

In any case, whether the Dominions have been separately represented or not, and whether the instruments have been signed separately on behalf of the Dominions or not, it is the practice to consult the Dominion Governments before ratification by His Majesty. In cases of International Conventions affecting one Dominion only (e.g., the recent Commercial Conventions between Canada and France and Italy), His Majesty's ratification would only be given at the instance of the Dominion Government concerned.

* No. 116.

546

239

(3) *League of Nations and International Labour Organization.*—It is the practice to confer with the Governments of the Dominions which are members of the League as to the policy to be adopted in connexion with important questions which may arise in the periods between the meetings of the League of Nations Assembly, and between the meetings of the International Labour Conference; e.g., amendments to the Covenant.

During meetings of the Assembly and of the International Labour Conference, co-operation is secured by periodical meetings between the Representatives of His Majesty's Government and the various Dominion Delegates.

(4) *General questions of International interest, and action of foreign Governments affecting British commercial interests.*—His Majesty's Government keep in close touch with the Dominion Governments on such matters; e.g., it is the practice to keep the Dominion Governments informed, in connexion with the question of territorial waters, of any indication on the part of foreign Governments to claim jurisdiction outside the three-mile limit.

Similarly, Dominion Governments have been kept generally informed on questions such as the Portuguese Shipping Law, the Tariff Changes of the United States and Spain, the United States Shipping Laws, etc.

(5) *Commercial Treaties, etc.*—It is now customary to conclude these so as to apply geographically in the first instance only to the United Kingdom (not, of course, including the Irish Free State) and to the foreign country concerned, but to insert a provision by which any Dominion may, if it wishes, accede to the Treaty. In recent years, Dominion Governments have not usually acceded to Commercial Treaties of this nature.

Wherever possible, His Majesty's Government endeavour to secure the insertion of a provision in such Treaties by which goods produced or manufactured in the Dominions obtain most-favoured-nation treatment in the foreign country concerned, so long as the Dominions accord most-favoured-nation treatment to goods produced or manufactured in that country.

Similarly, Extradition Treaties are now drafted in a form which provides that the Treaty shall not apply to any of the Dominions unless they wish to accede.

As regards Arbitration Agreements, it is the practice, before renewing such agreements with foreign countries, to obtain the prior concurrence of the Dominion Governments.

22nd June, 1923.

FRANCE.

(1) Anglo-French Relations.

16069/S

No. 123.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.28 a.m., 29th March, 1923.)

TELEGRAM.

[Answered by No. 124.]

(Paraphrase.)

29TH MARCH. Secret. Following for your Prime Minister from General Smuts:—

Begins: Private and Personal. As Prime Ministers' Conference has now been postponed until October, I desire to place before you my view of the present international situation, of which I take the gravest view. Events march so rapidly that it may be impossible by October to influence or alter the situation which is growing worse daily.

That France is breaking clean away from the principles on which the Entente was founded or could for the future be continued is evident. The recovery of reasonable reparations has been made practically impossible by her Ruhr policy, and she is now more or less openly proceeding to permanent occupation of parts of Germany and to the dismemberment of that country. Even if she fails there is likely to be an economic and political upheaval, which will have disastrous effects on the recovery of Europe, including Great Britain. If she succeeds in breaking up Germany there will be no counter weight to her ambitions on the Continent of Europe and, as in previous centuries, Great Britain will have to prepare for the defence of her very existence against the new menace. The size of the French Army which is recruited largely from Africa, her attitude towards the Washington Naval Agreement, which she will either not ratify or ratify for a limited period only, the development of her Air Force in spite of all financial difficulties, her rapidly growing hostility to the British Empire, all tend to show that France is acting on a far-sighted policy which aims not at reparations, nor even at security in narrow sense, but at military and political leadership which she is preparing to enforce against all comers, including the British Empire. If Germany goes, the British Empire will alone have to face the new France, which will be in command of much larger resources than ever before, and may even be at the head of European combination. That may mean at very early date taxation proposals on a vast scale for British Empire, perhaps beyond our power; and then, when too late, it may be recognized that battle was lost on the Ruhr owing to our inaction and virtual connivance at French designs. People talk of a régime of peace, but everything points in the opposite direction for the immediate future. And we may have immediately to recast the whole basis of our foreign policy, unless we are prepared to sink to a secondary position in the world. We may have to renounce Entente, and actively support Germany with our diplomacy against dismemberment which threatens not only her future, but entire basis of European peace and order. Appeals to the Dominions for financial and other assistance will not be very palatable, especially when it comes to be recognized that the danger could have been avoided by firmer diplomacy at the right time. And I would very strongly urge that in order to avoid resort to a more dangerous weapon later on the diplomatic weapon should be used to the full now. Danger arises just as much from the Turkish policy of France as from her German policy. France is out to conciliate the Mohammedan world at any cost and at any immediate sacrifice, in order to mobilize Mohammedan opinion at the proper time as a weapon against the British Empire. It will be too late to prevent her full use of this weapon if we wait until she has realized her aims in Germany, and has achieved undisputed leadership on the Continent. We should end this pretence of joint action which has tied our hands at Lausanne, and has not tied France or Italy, and we should be free to make whatever arrangements we deem necessary in interests of the British Empire and Europe. France ignores the Entente and we observe it to our undoing. There are even rumours that France is trying to get into touch with Russian Soviet through underground channels. She is evidently acting on more or less thought-out plan, while from sentimental motives of loyalty we are drifting on the wreck of the Entente. To me a revision of our whole foreign policy appears urgently necessary. I had thought that the meeting of the Prime Ministers' Conference in July would provide a suitable opportunity, but as that is now impossible, I would urge you yourself to undertake the task, and in view of the grave national emergency which may involve the future of the Empire, to consult party leaders with a view to formulating a national policy and submitting it for their concurrence to the Dominions. If, in the interests of Europe, and not merely in a selfish spirit we act boldly and resolutely, we may save the situation, and crystallize world opinion in right direction. Our undertaking to pay our foreign debt and the stand which British Government made in the Near Eastern crisis last September have already much impressed America. A great line taken now when we have still the power and position to do so will have far-reaching and beneficial reactions in rallying world opinion to

our support and will be in keeping with great decisions taken by British statesmen in the past.

This message is private and personal to you, but you are at liberty to make whatever use of it you deem expedient. *Ends.*

—ARTHUR FREDERICK.

19570/S

No. 124.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 9.15 p.m., 18th April, 1923.)

TELEGRAM.

(Paraphrase.)

18TH APRIL. Secret. Following for General Smuts from Prime Minister :

Begins: Private and Personal. Your message of 29th March* came when I was away and not very well; please excuse delay in replying to it.

As you say, the position on the Ruhr is very serious. An economic loss is taking place with no compensations, and the danger is always present of unpleasant incidents, but the British Government have failed to see any course open to us other than that which we have adopted. Just two years ago we, jointly with France, presented an ultimatum to Germany that unless certain terms of payment of reparations were accepted we would occupy the Ruhr. These terms were accepted, but no payments were made, and the French contend that all they are doing is to take the same steps to secure payment which we were willing to take to secure the promise of payment. In January I was certain that whatever we might do the French would occupy the Ruhr, and no action then or since seemed possible for us which would not have made us seem pro-German and anti-French.

As to the dangers of the French action, there seems to be no doubt that the French themselves are disquieted, and Italy and Belgium we know to be most dissatisfied with the present position. Black, therefore, as the outlook is, the best hope seems to be that proposals may be made by Germany which the French will look at more reasonably than would have been the case before the occupation of the Ruhr.

The diplomatic weapon, of which you speak, we are using impartially upon both parties, and this is the best method of ultimately bringing them together. I do not think that more direct pressure is practicable.

I think also that you are wrong in suggesting that French action is based on the desire to take Germany's pre-War position on the Continent. The action of the French resulted from disappointment at the failure to receive reparations, coupled with a sense of insecurity in the future, and I do not believe that they are carrying out any plan which they had thought out.

As regards the negotiations with Turkey, you will probably have noticed the friction which has arisen between the French and the Turks, so that for the moment the danger you speak of in that direction does not exist. In fact, no new policy seems to me possible which would not be to take directly the side of the Germans against the French. I am sure that this would be unpopular in this country, where the feeling is strong that the Germans have not seriously tried to meet the reparations payments. The information we receive is also that in the Dominions as in the United States the feeling is strongly pro-French.

The disadvantage of attempting to discuss these things by cable is, however, considerable, and I feel that it will not be too late to talk them over personally in October. I am writing you more fully. *Ends.*

—DEVONSHIRE.

* No. 123.

34186/S

No. 125.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.33 p.m., 7th July, 1923.)

TELEGRAM.

[*Answered by No. 126.*]

7TH JULY. Secret. Following from Prime Minister for your Prime Minister:—

Begins: Your telegram 5th July* reporting conversations between Lord Curzon and French and Belgian Ambassadors. I approve of Lord Curzon's solemn warnings to French and Belgian Governments. Looking at developments as a whole in our relations with France since Peace Conference, I feel a crisis is not very far off, and British Government will soon have to choose between maintenance of Entente on the one hand and maintenance of British self-respect and honour and Empire prestige as a first-class power on the other. French answer to British interrogatories, whether in writing or not, is certain to be unsatisfactory, as French are in Ruhr not so much with the object of recovering reparations as of maintaining a strangle-hold on Germany's vital artery until she collapses and all future danger to France disappears by dissolution of Germany.

Whatever the form of their answer, French will be determined to maintain hold. This is the position we shall have to face. However sincere our desire for Allied solidarity in the present world crisis, still we have to face realities and recognize that French policy is driving Europe on rocks, and that a very solemn duty on the part of the British Empire arises in that respect. The time has, therefore, come to explore the possibilities of the new situation with which we may soon be faced. From that point of view I venture to make the following five suggestions:—

(1) Whatever happens we should avoid all recognition or acquiescence in Ruhr occupation. We have, fortunately, dissociated ourselves in advance from this fruitful source of future European troubles.

(2) Should French persist in their unsatisfactory attitude, we should then solemnly renounce Entente in a formal document, giving our reasons and basing them on the highest human grounds. It should be an appeal to the conscience of the world and reaffirm the ideals for which the Allied peoples made great sacrifices in the War. It should isolate France morally and rally public opinion to the side of the British Empire. It also notifies our retirement from Reparation Commission on which our position latterly has been ambiguous. The British Government should obtain concurrence of Dominion Governments, and documents should speak for Empire as a whole.

(3) Having finished with the Entente and recovered our freedom of action the British Government should then proceed to confer with Germany on their latest offer and to accept the offer of an impartial International Commission to consider and fix Germany's capacity to pay. The British Government should get Italy and Japan to join in this step. France should be also invited, and if she declines to join should be left out of Commission. Belgium should be treated in the same way. I consider it most advisable that the Commission should also be empowered to advise on the proper treatment of inter-Allied indebtedness. Such a step would morally immensely strengthen the position of the British Government. The Commission should be as strong as possible, and United States of America should be pressed to appoint a member. On this ground, as well as to prevent France from attempting to wreck the League of Nations, there should be no reference of the matter to the League.

(4) Simultaneously with reply to Germany the British Government should make separate peace with Turkey if Allied peace has not been concluded before. I thoroughly approved Lord Curzon's refusal at Lausanne to consider a separate peace. But objection to it will disappear with the

* 33730/S: not printed; it contained a summary of developments in connexion with foreign affairs.

Entente, and a British peace will have a great effect on Mohammedan world.

(5) The German debt having been determined by the Commission it should then be allocated amongst the late Allies in the proportion agreed upon three years ago. With regard to the portion allocated to the British Empire, I am inclined to favour payment by arrangement with Germany whereby a portion of the English public war debt is transferred to Germany, the English creditors being protected by a British guarantee. If the other Allies should follow a similar course, reparation question will be settled except so far as France and Belgium are concerned. My feeling is that when France sees the world moving on without her she may repent of her isolation, and a successor to Poincaré may be found willing to accept our solution. In any case, if France hardens her heart, no other course will be left but to go on without her, and she may before long be glad to fall into line in order to escape from the, by that time, impossible Ruhr position.

The course I suggest means a determined attempt to end the reparations trouble once and for all so far as we are concerned. It also means the British Empire resumes the leadership which has temporarily passed away from her. It will not mean hostility to France: it need not involve any serious breach with her.

I trust these suggestions will be carefully considered by you and Lord Curzon in the light of much fuller knowledge of the facts which you possess. The crisis, which I fear will soon be upon us, should find us ready and prepared to act with full courage and decision, not only in the interests of the British Empire, but of Europe and civilization which is rapidly crumbling away. *Ends.*

—ARTHUR FREDERICK.

34/86/S

No. 126.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 9.25 p.m., 17th July, 1923.)

TELEGRAM.

[Answered by No. 127.]

17TH JULY. Secret. Your telegram of 7th July.* Following from Prime Minister for your Prime Minister:—

Begins: We have read with great interest, and carefully studied, your views on Anglo-French relations.

Statement made in Parliament here 12th July will have shown you that in many respects we are proceeding upon lines of which you will approve, and have taken the lead which you advocate. Reply to German Government is being drafted, and will be communicated as soon as possible to Allied Governments with invitation to subscribe to it. Further action must depend on nature of Allies' reception of this draft. We are fully impressed with necessity for making step forward towards general settlement, and, in event of France and Belgium declining to join in proposed reply to German Government, we contemplate possibility of replying ourselves to Berlin in conjunction with such of our other Allies as may be prepared to join.

In the meanwhile we are keeping you continuously informed by telegram of progress of events. *Ends.*

—DEVONSHIRE.

* No. 125.

39270/S

No. 127.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.40 p.m., 4th August, 1923.)

TELEGRAM.

4TH AUGUST. Secret. Following for Prime Minister from my Prime Minister:—

Begins: I have read your and Lord Curzon's statement to Parliament with much anxiety. Situation if left where it now is will constitute grave blow to prestige of British Empire. We are entering very difficult era in which maintenance of British prestige and position will be absolutely essential. Moreover, break up of Germany, which is clearly French objective, is not improbable, and will add vastly to our dangers and difficulties. I would, therefore, urge you to keep up initiative and consider carefully some such plan as outlined in my message of 7th July.* You are much more likely to succeed by adopting strong line of your own than by continuing futile negotiations with France. Most sincerely I wish you luck, and I think you will get it, too. *Ends.*

—GOVERNOR-GENERAL.

Note.—The questions of relations with France and Germany and of Reparations were considered at the Imperial Conference—see pages 11-12 of Cmd. 1987.

(2) Commercial Convention with Canada.

(Treaty Series, 1923. No. 25.)

6683

No. 128.

THE HIGH COMMISSIONER FOR CANADA TO COLONIAL OFFICE.

(Received 6th February, 1923.)

SIR, 19, Victoria Street, London, S.W.1, 6th February, 1923.

I BEG to inform you that a cablegram has this morning been received from the Minister of Finance at Ottawa stating that the Franco-Canadian Commercial Agreement was submitted to the House of Commons yesterday, and can now be made public.

The Minister asks that your Department and the Foreign Office may be notified accordingly.

I am, &c.,

LUCIEN PACAUD.

Joint Secretary.

30060

No. 129.

THE HIGH COMMISSIONER FOR CANADA TO COLONIAL OFFICE.

(Received 16th June, 1923.)

SIR, 19, Victoria Street, London, S.W.1, 15th June, 1923.

I BEG to quote, for your information, and for the information of the Foreign Office, a cablegram which has reached the High Commissioner this afternoon from the Minister of Finance of Canada:—

"Acts confirming French and Italian Treaties have received Royal Assent."

I am, &c.,

LUCIEN PACAUD.

Secretary.

* No. 125.

K 2

33384

No. 130.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th July, 1923.)

[Answered by No. 133.]

(No. 332.)

MY LORD DUKE,

Government House, Ottawa, 23rd June, 1923.

WITH reference to Your Grace's despatches No. 79,* and No. 175,† dated the 13th February, and the 18th April, respectively, regarding the Commercial Treaties between Canada and Italy and between Canada and France, I have the honour to transmit, herewith, three certified copies of the Acts of the Parliament of Canada approving these Treaties. My Government request that the necessary steps may be taken in due course to effect the ratification of the Treaties.

I have, &c.,

BYNG OF VIMY.

39294

No. 131.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.15 p.m., 6th August, 1923.)

TELEGRAM.

[Answered by No. 134.]

6TH AUGUST. My despatch of 23rd June, No. 332.† My Government would be glad to know what arrangements are being made for ratification of these Treaties.—BYNG.

33384

No. 132.
COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 135.]

SIR,

Downing Street, 9th August, 1923.

WITH reference to the letter from this Office of the 22nd of June, § and previous correspondence, I am directed by the Duke of Devonshire to transmit to you, to be laid before the Marquess Curzon of Kedleston, the accompanying copy of a despatch‡ from the Governor-General of Canada forwarding certified copies of the Acts of the Parliament of Canada approving the Treaties recently signed, governing the commercial relations between Canada and France and Canada and Italy respectively.

2. The Secretary of State would be glad if steps could be taken to effect the ratification of the Treaties as desired by the Government of Canada.

3. It will be observed that the Convention with France was to be ratified when approved by the Parliament of Canada and the French Chambers, and it appears from the despatches from His Majesty's Ambassador at Paris enclosed in your letters of the 16th of July,|| and of the 17th of July,¶ that the Chamber of Deputies and the Senate have now passed the Bill for ratification.

4. The Treaty with Italy was to be ratified when approved by the Canadian Parliament, and by "the competent authority on the part of Italy" and it would seem probable from the Italian Ambassador's Note, a copy of which was enclosed in your letter of the 8th of February,** that the Italian Government are now in a position to ratify this Treaty.

* No. 204. † Not printed; it forwarded a copy of the French Bill for ratification of the Convention. ‡ No. 130. § L.F., enclosing copy of No. 129. || 35482: not printed; it enclosed a copy of a despatch from His Majesty's Ambassador at Paris stating that the Chamber of Deputies had passed the Bill without a division. ¶ 35708: not printed; it enclosed a copy of a despatch from His Majesty's Ambassador at Paris stating that the Senate had passed the Bill without a division. ** 7000: not printed; see enclosure in No. 204 for the Note.

5. I am also to observe that it will be necessary, at some convenient moment before ratification, to make it clear that Articles 17, 23, 24, and 25 of the Convention with France apply on the British side only to Canada. In this connexion, I am to invite reference to the letter from this Department of the 13th December, 1922.*

6. A copy of a despatch to the Governor-General of Canada is also enclosed.†

I am, &c.,

C. T. DAVIS.

33384

No. 133.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 377.)

MY LORD,

Downing Street, 9th August, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 332 of the 23rd of June‡ and to request you to inform your Ministers that certified copies of the Acts of the Parliament of Canada approving the Commercial Treaties between Canada and Italy and between Canada and France have been forwarded to the Secretary of State for Foreign Affairs with a request that steps may be taken to effect the ratification of the Treaties.

2. I enclose a copy of the report§ drawn up by M. Néron, on behalf of the Customs Committee of the French Chamber of Deputies, with regard to the Bill for the ratification of the Convention with France.

3. His Majesty's Ambassador at Paris has reported that the Bill for ratification passed the French Chamber of Deputies on the 9th of July and the Senate on the 11th of July, in both cases without a division.

I have, &c.,

DEVONSHIRE.

39294

No. 134.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.25 a.m., 13th August, 1923.)

TELEGRAM.

13TH AUGUST. Your telegram 6th August,|| French law authorizing President of Republic ratify Franco-Canadian Convention has been passed. No information as to intentions of Government of Italy since my despatch 13th February, 79,¶ but inquiry being made. Instrument of Ratification by His Majesty being prepared.

44615

No. 135.
FOREIGN OFFICE to COLONIAL OFFICE.

(Received 10th September, 1923.)

SIR,

Foreign Office, S.W.1, 8th September, 1923.

WITH reference to your letter of the 9th ultimo,** and previous correspondence, relative to the ratification of the Conventions signed at Paris, 15th December, 1922, and at London, 4th January, 1923, respecting commercial relations between the Dominion of Canada and France and Italy respectively, I am directed by the Secretary of State for Foreign Affairs to inform you that the King's ratification of the former Convention has been prepared and forwarded to His Majesty's Embassy at Paris for exchange against that of the President of the French Republic.

* Not printed: it drew attention to the provisions of the Articles referred to, and suggested a declaration on the lines indicated in the preceding sentence.

† No. 133. ‡ No. 130. § Not reprinted. || No. 131. ¶ No. 204. ** No. 132.

2. Further inquiry is being made of the Italian Ambassador as to whether His Excellency is yet in a position to proceed to the exchange of ratifications of the Convention signed at London on 4th January last. In this event, an early date will be appointed for the completion of this formality.

3. With regard to the point raised in paragraph 5 of your letter,* I am to inform you that as the result of consultation with the Board of Trade, the Secretary of State is advised that Articles 17, 23, 24 and 25 of the Franco-Canadian Convention can only be held to apply to Canada on the British side, and that consequently the proposed declaration to this effect need not be made.

I have, &c.,
GEORGE MOUNSEY.

45311

No. 136.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.40 p.m., 11th September, 1923.)

TELEGRAM.

[Answered by No. 137.]

11TH SEPTEMBER. Unofficial information has reached Department of Finance to the effect that Commercial Treaty between Canada and France has been ratified. My Ministers are desirous to receive official confirmation of this as soon as possible.—GOVERNOR-GENERAL.

45311

No. 137.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 10.50 a.m., 13th September, 1923.)

TELEGRAM.

13TH SEPTEMBER. Your telegram 11th September,† Franco-Canadian Commercial Convention. British Ambassador, Paris, reports ratifications exchanged 5th September.—DEVONSHIRE.

44957

No. 138.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 466.)

MY LORD, Downing Street, 22nd September, 1923.

WITH reference to my telegram of the 13th of September,‡ I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a despatch from His Majesty's Ambassador at Paris, reporting the exchange of ratifications of the Commercial Convention between France and Canada.

I have, &c.,
DEVONSHIRE.

* No. 132. † No. 136. ‡ No. 137.

Enclosure in No. 138.

(No. 2062 (C).)

MY LORD,

British Embassy, Paris, 5th September, 1923.

WITH reference to your despatch of the 4th instant, I have the honour to inform Your Lordship that this evening I exchanged the King's ratification of the Commercial Convention between France and Canada against that of the President of the French Republic, and to transmit to you, herewith, the French instrument.

I have caused Mr. Roy, Commissioner-General for Canada in France, to be informed of the exchange of ratifications.

I shall not fail to forward to Your Lordship a copy of the *procès-verbal* as soon as I receive certified copies from the Quai d'Orsay.

I have, &c.,

CREWE.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.

(3) Commercial Relations with Irish Free State.

52288

No. 139.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 632.)

SIR,

Downing Street, 31st October, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a despatch from His Majesty's Ambassador at Paris regarding the maintenance of the *status quo ante* as regards commercial relations between France and the Irish Free State.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 139.

(No. 2430 (C).)

MY LORD,

British Embassy, Paris, 24th October, 1923.

I HAVE the honour to acquaint Your Lordship that the weekly commercial review *Les Echos* of to-day's date states that it has been decided that the *status quo ante* will be maintained as regards commercial relations between France and the Irish Free State. Goods originating in the Free State will consequently be granted, on their importation into France, the benefit of the French Minimum Tariff.

A copy of the announcement in the review in question is enclosed.

I have, &c.,

CREWE.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.

EXTRACT FROM *Les Echos* OF 24TH OCTOBER, 1923.

L'Etat libre d'Irlande bénéficie du même régime que l'Angleterre pour ses importations en France.

Après entente entre les ministères intéressés, il a été décidé que le régime du *status quo ante* serait maintenu en ce qui concerne les relations commerciales avec l'Etat libre d'Irlande qui, depuis le 1er avril dernier, est distinct douanièrement de la Grande-Bretagne et des six comtés du nord de l'île.

En conséquence, les marchandises originaires d'Irlande seront admises, à leur importation en France, aux droits les plus réduits du tarif des douanes.

(4) Convention relating to Legal Proceedings in Civil and Commercial Matters.
(Treaty Series 1922, No. 5.)

59576

No. 140.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by Nos. 142 and 143.]

(No. 28.)

SIR, Downing Street, 20th January, 1923.
I HAVE the honour to acknowledge the receipt of Your Royal Highness's despatch No. 536 of the 12th October, 1922,* on the subject of the extension to the Union of South Africa and to South-West Africa of the Convention between the United Kingdom and France relating to civil procedure.

2. The Secretary of State for Foreign Affairs has observed that, as the Rules of Court of the Union are based on the rules of the English Supreme Court, the present position as between the Union and France, in regard to the obtaining of evidence and the service of writs in civil and commercial cases, is the same as that which existed between England and France before additional facilities were provided by the conclusion of the Convention.

3. New Rules of the Supreme Court have been issued in this country as a result of the Convention; copies of these Rules† are enclosed. As regards paragraph 3 of Ministers' Minute of the 11th October, 1922,‡ it will be seen that it has not been found necessary to repeal or amend the existing Rules of the Supreme Court, which will continue in force for general purposes, but only to add special Rules for the purposes of the Convention with France.

4. In these circumstances I should be glad to learn whether, in view of the further information now laid before them, your Ministers desire that the provisions of the Convention should be made to apply to the Union of South Africa, and, if the answer is in the affirmative, the necessary steps will be taken to that end. In that event, I should be glad to be informed whether the Minister of Justice of the Union should be substituted for the Senior Master of the Supreme Court in England, as the person to whom applications for service, &c., should be addressed.

I have, &c.,

DEVONSHIRE.

9944

No. 141.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 39.)

SIR, Downing Street, 3rd March, 1923.
WITH reference to Sir W. H. Horwood's despatch No. 127 of the 25th of September,§ I have the honour to transmit to you, for the information of your Ministers, copies of Notes exchanged between the Secretary of State for Foreign Affairs and the French Ambassador relative to the extension to Newfoundland of the Convention concluded between Great Britain and France on the 2nd of February, 1922, respecting Legal Proceedings in Civil and Commercial Matters.

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 141.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 25th January, 1923.

IN pursuance of paragraph (b) of the Final Provisions of the Convention concluded between Great Britain and France on the 2nd February, 1922, respecting Legal Proceedings in Civil and Commercial Matters, I have the honour to inform Your Excellency that the Government of Newfoundland are desirous that the Convention should be extended to that Island.

* No. 90 in Dominions No. 87.

† S.R.O. 1922, No. 1246/L23.

‡ Enclosure in No. 90 in

Dominions No. 87. § No. 89 in Dominions No. 87.

2. The Registrar of the Supreme Court of Newfoundland will act, in the same way as the Senior Master of the Supreme Court of Judicature in England, as the person to whom applications for the service of process or for the taking of evidence should be addressed.

3. His Majesty's Government are further desirous of notifying to your Government their wish that the facilities provided by the Convention should be extended to Palestine. The official languages of the Courts of Palestine are English, Arabic and Hebrew, and it is accordingly suggested that communications from French Courts should be accompanied by translations in English, except when they issue from a Court in a French colony where the Court employs Arabic, in which case they might be transmitted in that language.

4. The authorities in Palestine to whom applications for the service of process, &c., should be addressed are the Presidents of the District Courts of the four administrative districts or provinces into which Palestine is divided, each district having its own Court. Applications should accordingly be addressed to the President of the Court in the district in which action is to be taken.

5. In requesting that you will be so good as to acknowledge this communication on behalf of your Government, I have the honour to suggest that the exchange of Notes thus constituted should be regarded as placing the matter on formal record, and that the extension of the terms of the Convention to Newfoundland and Palestine should be considered as coming into force one month after the date of your reply.

I have, &c.,

(For the Secretary of State)

GEORGE MOUNSEY.

His Excellency

Count de Saint-Aulaire,

&c., &c., &c.

Enclosure 2 in No. 141.

Ambassade de France en Angleterre, Londres,

le 21 février, 1923.

MONSIEUR LE MARQUIS,

PAR lettre en date du 25 janvier dernier vous avez bien voulu me faire connaître que le Gouvernement de Terre-Neuve était désireux d'accéder à la Convention franco-anglaise du 2 février, 1922, relative à la Procédure civile.

Vous me faisiez part en même temps du désir semblable exprimé par le Gouvernement de Palestine.

Le Gouvernement français est heureux que cette accession a été portée à sa connaissance et par application du paragraphe (b) des dispositions finales de cette Convention prend acte du paragraphe 2 de la lettre de Votre Seigneurie duquel il ressort que le "Registrar" de la Cour Suprême de Terre-Neuve agit comme "Senior Master of the Supreme Court of Judicature in England."

Le Gouvernement français prend également note de l'accession de la Palestine à ladite Convention et est d'accord avec le Gouvernement britannique sur les dispositions ci-après.

Les langues officielles des Tribunaux en Palestine seront l'anglais, l'arabe, et l'ébrue. Les documents émanant de juridiction française devront être traduits en anglais à l'exception toutefois de ceux émanant d'une juridiction coloniale française dont l'Arabe est la langue officielle, auquel cas ces documents pourront être rédigés en Arabe. Les autorités compétentes en Palestine pour recevoir les instances sont les Présidents du tribunal de Districts dans chacune des 4 subdivisions administratives de la Province.

Les dispositions de la Convention de 2 février s'étendront à Terre-Neuve et à la Palestine dans le délai d'un mois à compter de la date de la présente lettre.

Conformément aux dispositions du paragraphe final de votre note le délai de mise en application de la Convention sera calculé à dater du 22 février, 1923.

Veuillez agréer, &c.,

SAINT-AULAIRE.

Sa Seigneurie,

Le Marquis Curzon de Kedleston,

Principal Secrétaire d'Etat

Pour les Affaires Etrangères.

25427

No. 142.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 22nd May, 1923.)

(No. 206.)

MY LORD DUKE,

Governor-General's Office, Cape Town, 3rd May, 1923.

I HAVE the honour to transmit to Your Grace herewith, with reference to your despatch No. 28 of the 20th January, 1923,* a copy of a Minute from Ministers on the subject of the extension to the Union of South Africa and to South-West Africa of the Convention between the United Kingdom and France relating to civil procedure.

I have, &c.,

ARTHUR FREDERICK.

Governor-General.

Enclosure in No. 142.

MINUTE No. 294.

Prime Minister's Office, 1st May, 1923.

MINISTERS have the honour to refer to His Royal Highness the Governor-General's Minutes No. 48/1346 of the 13th February last and 16th ultimo on the subject of the extension to the Union of South Africa and to South West Africa of the Convention between the United Kingdom and France relating to civil procedure, and to inform His Royal Highness that the Chief Justice and Judges of the Supreme Court are being consulted in the matter, and it is likely that there will be some delay before a definite reply can be given.

J. C. SMUTS.

43742

No. 143.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd September, 1923.)

(No. 427.)

Governor-General's Office, Pretoria,

MY LORD DUKE,

14th August, 1923.

I HAVE the honour to transmit to Your Grace herewith, with further reference to your despatch No. 28 of the 20th January, 1923,* a copy of a Minute from Ministers on the subject of the extension to the Union of South Africa and to South-West Africa of the Convention between the United Kingdom and France relating to civil procedure.

I have, &c.,

J. ROSE INNES,

Deputy for the Governor-General.

* No. 140.

Enclosure in No. 143.

MINUTE No. 572.

Prime Minister's Office, 10th August, 1923.

MINISTERS have the honour to refer to His Royal Highness the Governor-General's Minutes No. 48/1346 of the 13th February and 16th April last, on the subject of the extension to the Union of South Africa of the Convention between the United Kingdom and France relating to civil procedure, and to inform His Royal Highness that it is considered that the existing rules and the existing reciprocity are sufficient for all purposes, and that therefore there is no need at present to apply the provisions of the Convention to the Union.

PATRICK DUNCAN.

58713

No. 144.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd December, 1923.)

(No. 344.)

MY LORD DUKE,

Governor-General's Office, Melbourne, 26th October, 1923.

WITH reference to your despatch dated 25th July, 1922, Dominions No. 254,* on the subject of the Convention between the United Kingdom and France respecting Legal Proceedings in Civil and Commercial Matters, I have the honour to inform Your Grace that I am advised by my Acting Prime Minister that the Commonwealth Government is desirous of the Convention being extended to Australia, Papua, Norfolk Island, and, if practicable, to the mandated territory of New Guinea.

I have, &c.,

FORSTER,

Governor-General.

FREEDOM OF TRANSIT.

(1) Declaration as to Flags of Inland States.

(Treaty Series, 1923, No. 29.)

18501

No. 145.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL

[Answered by Nos. 146, 147, 148 and 149.]

(Canada.

(Commonwealth of Australia.

(Union of South Africa.

(New Zealand.

Dominions Treaty No. 19.)

[MY LORD,] [SIR,]

Downing Street, 8th May, 1923.

[Not to New Zealand: With reference to my despatch No. [531] [401] [298] of the 8th November, 1922,†] I have the honour to transmit to [Your Excellency] [Your Royal Highness] to be laid before your Ministers, a copy of correspondence with the Secretary-General of the League of Nations, arising out of the accession of Canada, the Commonwealth of Australia and the Union of South Africa to the Declaration concerning the right to a flag of States having no sea-coast, signed at Barcelona on the 20th April, 1921.

2. It would appear that in the present case it would be most convenient to regard the 31st October, 1922 (the date on which the notification of accession was received by the Secretariat of the League) as the effective date. As a general rule, His Majesty's Government would suggest that accessions should be regarded as

* No. 88 in Dominions No. 87.

† No. 106 in Dominions No. 87.

taking effect on the date on which the notification is received by the headquarters Government, in all cases where the Treaty to which accession is made contains no special provision for determining the dates of accession, and that the headquarters government should then invariably inform the other parties to the Treaty of this date when officially notifying them of the accession. I should be glad to learn whether your Ministers concur in the Secretary-General being informed accordingly.

I have, &c.,

DEVONSHIRE.

[4173]

Enclosure 1 in No. 145.

Société des Nations, League of Nations, Geneva, 6th January, 1923.

WITH reference to the Secretary to the Cabinet's note, dated 27th October, 1922* (Reference No. 38/H/6), and with a view to the forthcoming publication in the Treaty Series of the League of Nations of the accession of Canada, Australia and South Africa to the Declaration concerning the right to a flag of States having no seacoast, signed at Barcelona on 20th April, 1921, the Secretary-General of the League of Nations would be grateful to be informed whether this accession may be regarded as taking effect as from the date of the receipt of the notification or whether it is desired that the accession should be effective from some other date.

The Right Honourable

The Secretary of State for Foreign Affairs,

Foreign Office,

London, S.W.1.

[12422]

Enclosure 2 in No. 145.

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Secretary-General of the League of Nations, and is directed by the Secretary of State to acknowledge the receipt of his letter of the 6th January, inquiring whether the accession of Canada, Australia and South Africa to the Barcelona declaration of 20th April, 1921, concerning the right to a flag of states having no sea coast, is to be regarded as taking effect as from the date of the receipt of the notification, or as from some other date.

2. It would appear that the date of the receipt of the notification by the League would be the proper one to select, provided that the same date is also that of the League's acknowledgment of the receipt of the notification, and equally of their announcement of the accession to the signatory powers.

3. In the first instance, however, His Majesty's Government would be glad to learn what is the usual practice of the League in such matters, and whether they have any information as to the practice followed by other governments.

Foreign Office, S.W.1.

8th March, 1923.

Enclosure 3 in No. 145.

League of Nations.

THE Secretary-General of the League of Nations presents his compliments to the Secretary of State for Foreign Affairs and has the honour to acknowledge receipt of the letter of the Under-Secretary of State for Foreign Affairs, dated 8th March, 1923, on the subject of the date on which the accession of Canada, Australia and South Africa to the Barcelona declaration of 20th April, 1921, concerning the right to a flag of States having no sea coast, should be regarded as taking effect.

2. The Secretary-General begs to explain that for administrative reasons it is almost impossible for the notification of such accessions to be acknowledged and to be announced to the signatory powers on the actual date on which the League receives the notification. In the present case, the notification of accession was received by the Secretariat on 31st October, 1922, and the accession was registered under that date. The receipt of the notification was acknowledged by a letter of 4th November, 1922, addressed to the Secretary to the Cabinet, and the accession was announced to the signatory powers and to the Members of the League in general by a circular letter dated 6th November, 1922.

* Enclosure 5 in No. 106 in Dominions No. 87.

3. The Secretariat had understood from the terms of the final paragraph of the Secretary to the Cabinet's letter of 27th October, 1922,* that His Majesty's Government proposed subsequently to communicate a date from which the accession in question should be effective. It would be in accordance with precedent to treat the accession as effective from the first of the dates above mentioned, namely, 31st October, 1922, and the Secretary-General will be grateful to learn whether His Majesty's Government would be in agreement with this course.

4. The date of the entry into force of accessions to international engagements deposited with the Secretariat depends largely on the special provisions of each particular agreement on this point. In cases where the text does not contain any provisions with regard to accessions, this Secretariat has adopted the practice of regarding the date of the receipt of the notification by the Government concerned as the date on which the accession becomes effective unless the Government itself indicates a different date.

28670

No. 146.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th June, 1923.)

(No. 275.)

MY LORD DUKE,

Government House, Ottawa, 29th May, 1923.

WITH reference to your despatch Dominions Treaty No. 19 of the 8th May,† transmitting copy of correspondence had with the Secretary-General of the League of Nations arising out of the accession of Canada, the Commonwealth of Australia and the Union of South Africa to the Declaration concerning the right to a flag of States having no sea coast, I have the honour to inform you that the Canadian Government concurs in the Secretary-General being informed in accordance with the provisions of the despatch under reference.

I have, &c.,

BYNG OF VIMY.

35533

No. 147.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17th July, 1923.)

(No. 335.)

MY LORD DUKE,

Governor-General's Office, Cape Town, 23rd June, 1923.

I HAVE the honour to transmit to Your Grace herewith, with reference to your despatch Dominions Treaty No. 19 of the 8th May, 1923,† a copy of a Minute from Ministers on the subject of the accession of the Union of South Africa to the declaration concerning the right to a flag of States having no sea coast, and the general question of the date on which accessions should be regarded as taking effect when the Treaty in question contains no special provision for determining the date.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 147.

MINUTE No. 458.

MINISTERS have the honour to acknowledge the receipt of His Royal Highness the Governor-General's Minute No. 70/2, of the 30th May, 1923, on the subject of the right to a flag of States having no sea coast, and the question of the date from which accessions should be regarded as taking effect in cases where the Treaty to which accession is made contains no special provision for the determination of the dates of accession.

* Enclosure 5 in No. 106 in Dominions No. 87.

† No. 145.

Ministers have the honour to concur in the suggestion of His Majesty's Government contained in the Secretary of State's despatch dated 8th May, 1923, viz. in the case of the declaration concerning the right to a flag of States having no sea coast, it would be most convenient to regard the 31st October, 1922, as the date on which the accession became effective. It is noted that, as a general rule, accessions should be regarded as taking effect on the date on which the notification is received by the headquarters Government in all cases where the Treaty to which accession is made contains no special provision for determining the dates of accession. The headquarters Government should then invariably inform the other parties to the Treaty of this date when officially notifying them of the accession.

Ministers would be glad if the Secretary-General of the League of Nations could be informed accordingly.

J. C. SMUTS.

44667

No. 148.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th September, 1923.)

(No. 201.)

MY LORD DUKE,

Wellington, 31st July, 1923.

WITH reference to your despatch Dominions Treaty No. 19 of the 8th May,* relative to the right to a flag of States having no sea coast, I have the honour to inform Your Grace that my Ministers advise me that they agree to the 31st October, 1922 (the date on which the notification of accession was received by the Secretariat of the League) as the effective date.

I have, &c.,
JELICOE,
Governor-General.

58703

No. 149.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd December, 1923.)

(No. 331.)

MY LORD DUKE,

Governor-General's Office, Melbourne, 10th October, 1923.

WITH reference to your despatch dated 8th May, 1923, Dominions Treaty No. 19,* relative to the date of accession of the Commonwealth of Australia and other Dominions to the Declaration concerning the right to a flag of States having no sea-coast, signed at Barcelona on 20th April, 1921, I have the honour, at the instance of my Acting Prime Minister, to inform Your Grace that the Commonwealth Government, assuming that the phrase "headquarters government" used in paragraph 2 of your despatch means the Government (including the League of Nations) with which, under the provisions of a Treaty or other document, notifications of accessions are to be deposited, concurs in the suggestion of His Majesty's Government that an accession should be regarded as taking effect on the date on which notification of it is received by that Government, if the Treaty does not otherwise provide, and that that Government should then inform the other parties to the Treaty of this date when officially notifying them of the accession. The Commonwealth Government agrees to the Secretary-General of the League being informed accordingly in reply to his note dated 6th January, 1923.†

I have, &c.,
FORSTER,
Governor-General.

* No. 145. † Enclosure 1 in No. 145.

(2) Second General Conference, 1923.

48025

No. 150.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.35 p.m., 28th September, 1923.)

TELEGRAM.

28TH SEPTEMBER. Union Government has received from League of Nations invitation second General Conference on Freedom of Communications and Transit at Geneva in November. Union Government is not sending delegate(s). They ask that chief delegate from United Kingdom will watch position on behalf of Union, but he should be requested not to negotiate or sign any conventions on behalf of Union. Despatch* follows by mail.—ARTHUR FREDERICK.

INDUSTRIAL PROPERTY CONVENTION, 1883 and 1911.

(1) Registration of Canadian Trade Marks in Cuba.

Position of British Subjects and Companies.

333

No. 151.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 2nd January, 1923.)

[Answered by No. 152.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Chargé d'Affaires at Havana on the subject of registration of Canadian trade-marks in Cuba.

Foreign Office,
1st January, 1923.

(Similar letter sent to Board of Trade.)

Enclosure in No. 151.

(No. 174.)

MY LORD.

British Legation, Havana, 25th November, 1922.

I HAVE the honour to report that registration of Canadian trade-marks is now being refused by the Cuban Government, on the ground that Canada is not a party to the International Convention of 1883, though this was signed by Great Britain. The facts are as set forth in the enclosed memorandum, of which I have to-day handed a copy to the Cuban Secretary for Agriculture, at an interview with him and the Director of the division of his Department concerned with the registration of trade-marks. The memorandum makes the best case possible, but in the absence of definite information it would appear that the Cuban Government are within their rights in refusing registration.

Previous registrations of Canadian trade-marks were granted, the Secretary points out, in error, and he has now requested me to supply an official declaration to the effect that Canada accepts Cuban trade-marks. He produced, as an example of the sort of thing he has in mind, a Decree of the President of the United States.

* Not printed: it confirmed this telegram.

which agreed to grant reciprocal treatment of copyrights to certain countries, among them Cuba and Great Britain, the latter having offered suitable proof that United States publications are protected in those countries. He suggests a declaration in the same form should be made to Cuba by Canada in the present case.

I suggest that the matter should be brought to the attention of the Canadian Government, who could no doubt supply me with a declaration to the required effect, for the necessary action here.

I have, &c.,
GODFREY HAGGARD.

The Right Honourable
The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.,
Foreign Office,
London, S.W.1.

MEMORANDUM.

CANADIAN TRADE-MARKS.

REGISTRATION of the trade-mark "Fishsmith," belonging to Messrs. A. M. Smith of Halifax, has been refused by the trade-mark section of the Department of Agriculture, "por cuanto el Canada, pais de origen de la marca, no forma parte del Convenio de París, de 20 de marzo, de 1883, y, por lo tanto, no tiene derecho a tener la protección de sus marcas en la República de Cuba."

This statement is not strictly correct, as the Dominion of Canada, as part of the British Empire, is amenable to any convention negotiated by Great Britain on behalf of the entire Empire. At the time the Paris Convention was signed in 1883, Canada unquestionably accepted Great Britain's adherence to the Paris Convention as applicable also to Canada.

But, even on the assumption that Canada is not a signatory of this Convention, the Canadian law extends to aliens the same right of registering their trade-marks as Canadians. Section 9 of the Canadian Trade-mark and Design Act, of which a copy is annexed, provides that any proprietor of a trade-mark, without regard to his nationality or residence, may have such mark registered in Canada.

It is assumed that this information was not possessed by the Department of Agriculture at the time of refusing registration of Messrs. Smith's mark, and it is hoped that the present explanation will be sufficient. Nothing more is asked for than reciprocal treatment, namely, that Canadian marks shall be as well treated in Cuba as Cuban marks are in Canada.

This has been the practice up to date. For instance, the Canadian Cement Company of Montreal, and Messrs. H. R. Silver, Limited, of Halifax, have both obtained registration of their marks. Another instance is No. 37 of the United Drug Company, which was deposited in Cuba on 11th October, 1911, under the number 28866. Messrs. H. R. Silver's mark is for codfish, and it would be a hardship to Messrs. A. M. Smith and an obstacle to them in competing for the trade for Cuba if their own mark, which is also for codfish, were to be refused.

British Legation,
Havana, 21st November, 1922.

333

No. 152.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 20th January, 1923.

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letter of the 1st January,* enclosing a copy of a despatch from His Majesty's Chargé d'Affaires at Havana with regard to the refusal of the Cuban Government to register Canadian trade-marks.

2. In the first instance, the Secretary of State would be glad if His Majesty's Chargé d'Affaires could be asked by telegraph to supply further details as to the application of Messrs. A. M. Smith, and in particular to state what were the precise grounds of their application, and whether they are a company incorporated in Canada, or a firm composed of individual partners.

* No. 151.

3. If the application was merely put forward on the ground of previous registration in Canada, it would appear that no claim could be based on the provisions of the Industrial Property Convention of 1883, since Canada is not a party to the Convention. If, however, Messrs. Smith are claiming the rights accorded to British subjects by Article 2 of the Convention, it is open to His Majesty's Government to contend that the Cuban Government cannot deny them those rights (assuming that they are individual British subjects, and not a company incorporated in Canada) without a breach of their obligations under the Convention, having regard to the Law Officers' opinion of the 13th October, 1899,* that "British subjects, though residing or domiciled in Colonies or possessions which have not adhered, are entitled to the benefits of . . . Article 2 of the Convention." In this connexion I am to invite reference to your letter of the 25th April, 1922,† and previous correspondence on the subject of the position under a Commercial Treaty of British subjects connected with a Dominion which has not adhered to the Treaty.

4. On the other hand, if Messrs. Smith are a company incorporated in Canada, it might not be possible to put forward a claim that they are entitled as such to the rights conferred upon British subjects by Article 2 of the Convention (*vide* your letter of the 27th May, 1914,‡ and connected correspondence).

5. A copy of this letter is being sent to the Board of Trade.

I have, &c.,
C. T. DAVIS.

Note.—As a result of inquiry of His Majesty's Chargé d'Affaires it appeared that Messrs. A. M. Smith were a Company incorporated in Canada and that their application was based on the previous registration of the trade-mark in Canada.

15748

No. 153.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 156.]

(No. 171.)

MY LORD,

Downing Street, 14th April, 1923.

I HAVE the honour to request Your Excellency to inform your Ministers that His Majesty's Chargé d'Affaires at Havana has reported to the Secretary of State for Foreign Affairs that registration of the trade-mark "Fishsmith," belonging to Messrs. A. M. Smith of Halifax, Nova Scotia, has been refused by the trade-mark section of the Department of Agriculture of Cuba "por cuanto el Canada, pais de origen de la marca, no forma parte del Convenio de París de 20 de Marzo de 1883, y, por lo tanto, no tiene derecho a tener la protección de sus marcas en la República de Cuba."

2. Representations were made to the Cuban Secretary for Agriculture, when attention was drawn to the provisions of section 9 of the Canadian Trade Mark and Design Act, and it was pointed out that the Canadian Cement Company of Montreal and Messrs. H. R. Silver, Limited, of Halifax, have both obtained registration of their marks, and that another similar instance given was No. 37 of the United Drug Company which was deposited in Cuba on 11th October, 1911, under the number 28866. It was observed that Messrs. H. R. Silver's mark was for codfish, and that it would be a hardship to Messrs. A. M. Smith, and an obstacle to them in competing for the trade for Cuba, if their own mark, which was also for codfish, were to be refused.

3. The Cuban Secretary stated in reply that previous registrations of Canadian trade-marks were granted in error, and he requested His Majesty's Chargé d'Affaires to supply an official declaration to the effect that Canada accepts Cuban trade-marks. He produced, as an example of what he had in mind, a Decree of the President of the United States, which agreed to grant reciprocal treatment of copyrights to certain countries, among them Cuba and Great Britain, the latter having offered suitable proof that United States publications are protected in those countries. He suggested that a declaration in the same form should be made to Cuba by Canada in the present case.

* No. 232A in Vol. V of Law Officers' Opinions. † No. 106 in Dominions No. 87. ‡ No. 157 in Dominions No. 51.

4. It would appear that the objection of the Cuban Trade Marks Office to the registration of the mark in question is based upon Article 11 of the Cuban Trade Marks Decree of the 21st of August, 1884, which provides that foreigners residing outside of Spain shall have the right granted to them by the Treaties concluded with their respective nations, and if there is no Treaty, strict reciprocity shall be observed. Further, under Article 31, entry in the Trade Mark Register is to include the diplomatic convention by which reciprocity in the matter has been established. If this is so, the desire of the Cuban Trade Marks Office is to secure, in the absence of any Convention between Canada and Cuba relating to trade marks, an authoritative statement that Canada grants reciprocal privileges to Cuban citizens.

5. I should be glad to learn whether the Canadian Government can furnish such a statement and, if so, I would suggest that it might be communicated to His Majesty's Chargé d'Affaires at Havana direct.

I have, &c.,
DEVONSHIRE.

19657

No. 154.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 20th April, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits, herewith, copy of a despatch from His Majesty's Chargé d'Affaires at Havana on the subject of the registration of Canadian trade-marks in Cuba.

Foreign Office,
19th April, 1923.

Reference to previous correspondence: Foreign Office letter of 27th March.*

Similar letter sent to Board of Trade.

Enclosure in No. 154.

(No. 33.)

MY LORD,

British Legation, Havana, 8th March, 1923.

I HAVE the honour to refer to my despatch No. 174 of the 25th November last† on the subject of the refusal of the Cuban Government to register Canadian trade-marks on the ground that Canada was not a party to the International Convention of 1883. In the despatch under reference, I had the honour to enclose a memorandum with regard to the Registration of the trade-mark "Fishsmith," owned by Messrs. A. M. Smith of Halifax. This trade-mark has now been registered, and notice of such registration appeared in the *Official Gazette* of the 3rd instant.

In the decree granting the registration the following facts were taken into consideration, viz.:

1. That the agent of Messrs. A. M. Smith had produced a letter from the Registrar of Trade-marks in Ottawa dated 3rd November, 1922, to the effect that although Canada was not in fact a party to the International Convention, registration of trade-marks is granted in Canada to Cuban citizens on exactly the same terms and conditions as to Canadian citizens, and that Section 9 of the law of Trade-Marks and Patterns grants registration to any owner whatsoever of a trade-mark without regard to nationality or residence.

2. That in view of the above certificate the objections presented by the Department of Agriculture, Commerce and Labour had lost their force, and that considerations of courtesy between the Dominion of Canada and the Republic of Cuba now demanded that reciprocal treatment should be accorded to Canada, especially as no third party was harmed by the registering of the trade-mark in dispute.

* 15748: not printed; it expressed concurrence in the proposal to communicate with the Canadian Government as in No. 153. † Enclosure in No. 151.

While the decision given in this case refers only to Messrs. A. M. Smith's trade-mark it does in point of fact create a precedent whereby other claims for registration of Canadian trade-marks can be pressed, if at some future date the Cuban Government again see fit to refuse it.

I have, &c.,
GODFREY HAGGARD.

The Right Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.,

Foreign Office,
London, S.W.1.

20783

No. 155.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 26th April, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits, herewith, copy of a despatch from His Majesty's Chargé d'Affaires at Havana on the subject of the registration of Canadian trade-marks in Cuba.

Foreign Office,
25th April, 1923.

Reference to previous correspondence: Foreign Office letter of 19th April.*

Enclosure in No. 155.

(No. 41.)

MY LORD,

British Legation, Havana, 22nd March, 1923.

WITH reference to my despatch No. 33 of this month, I now have the honour to report that the Cuban Secretary of State for Agriculture has addressed me a communication informing me that a certificate has been issued by the Registrar of Literary Property and Industrial Trade-Marks of the Dominion of Canada to the effect that the trade-marks of Cuban citizens are accepted in Canada under the same conditions as those belonging to Canadian residents.

General Betancourt states that, this being so, his Department will in future register in Cuba all trade-marks of Canadian origin.

I have, &c.,
GODFREY HAGGARD

The Right Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.,

Foreign Office,
London.

25243

No. 156.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21st May, 1923.)

(No. 246.)

MY LORD DUKE,

Government House, Ottawa, 9th May, 1923.

WITH reference to Your Grace's despatch No. 171 of the 14th April† touching the refusal by the Trade-Mark Section of the Department of Agriculture of Cuba of the application of Messrs. A. M. Smith of Halifax, Nova Scotia, for the registration of the trade-mark "Fishsmith," I have the honour to transmit, herewith,

* No. 154. † No. 153.

for Your Grace's information, a copy of a despatch which I have addressed to His Majesty's Chargé d'Affaires at Havana on the subject.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 156.

SIR,

Government House, Ottawa, 8th of May, 1923.

I HAVE the honour to inform you that I have recently received a despatch from the Secretary of State for the Colonies touching the refusal by the Trade-Marks Section of the Department of Agriculture of Cuba of the application of Messrs. A. M. Smith of Halifax, Nova Scotia, for the registration of the trade-mark "Fish-smith," for the reasons that Canada—the country of origin of the mark—is not a party to the Convention of Paris, 1883, and has not furnished official evidence that she registers trade-marks of Cubans on reciprocal terms. In this connexion, I have the honour to inform you that Canada does grant reciprocal privileges respecting trade-marks to Cubans, and that our law makes no reference to reciprocity but provides by Section 9 of the Trade-Mark and Design Act that any proprietor of a trade-mark, without regard to his nationality or residence, is entitled to have the same registered in Canada subject to the provisions of the Act. There is nothing in the Act placing foreigners under any restrictions whatever. They have all the rights of Canadians.

I have, &c.,

BYNG OF VIMY.

His Britannic Majesty's Chargé d'Affaires,
Havana, Cuba.

(2) Accession of Canada to 1911 Convention.

6021

No. 157.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5th February, 1923.)

[Answered by No. 158.]

(No. 37.)

MY LORD DUKE,

Government House, Ottawa, 24th January, 1923.

I HAVE the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada on the subject of the adherence of the Dominion to the International Convention for the Protection of Industrial Property, as revised at Washington in 1911.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 157.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 15TH JANUARY, 1923.
P.C. 50.

THE Committee of the Privy Council have had before them a Report, dated 21st December, 1922, from the Acting Minister of Trade and Commerce, submitting that by Minute of Council approved on the 9th of March, 1900, authority was given for the reasons therein mentioned for the submission to Her Majesty's Government of a request that Her Majesty be graciously pleased to take such action as might be necessary to declare the adherence of the Dominion to the International Convention for the Protection of Industrial Property created in Paris in 1883.

The Minister further submits that in due course a copy of said Minute of Council with copies of the Canadian Patent Act and Trade Mark and Design Act were transmitted to the Secretary of State for the Colonies.

Under date the 7th of July, 1900, a reply was received from the Secretary of State for the Colonies to the despatch transmitting said copies to the effect that before Canada could comply with certain Articles of the Convention therein mentioned some alteration in the existing Canadian law would be required.

The Minister observes that by amendment since made to the Canadian Patent Act and by further amendment of said Act and amendment of the Canadian Trade Mark and Design Act by the passage of bills prepared for introduction at the Session of Parliament about to be held, Canada will now be in a position to comply with all the Articles of said Convention as will appear by copies of said Acts and Bills hereunto annexed.*

The Minister states that in his opinion satisfactory provision has been made in the Dominion for the protection of inventions, trade marks and designs, patented or registered in the United Kingdom or the Isle of Man.

The Minister therefore recommends that authority be given for the submission to His Majesty's Government of a request that His Majesty will be graciously pleased to take such action as may be necessary to declare the adherence of the Dominion to the International Convention for the Protection of Industrial Property as revised at Washington in 1911, and to pass an Order in Council applying to the Dominion Section 91 of the Patents and Designs Act, 1907, as amended with such variations or additions, if any, as to His Majesty in Council may seem fit.

The Minister further recommends that copies of said Canadian Acts and Bills be forwarded to His Majesty's Government.

The Committee advise that Your Excellency may be moved to transmit a certified copy of this Minute, together with the documents above-mentioned and annexed, to the Right Honourable the Secretary of State for the Colonies.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

14910

No. 158.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.0 p.m., 19th April, 1923.)

TELEGRAM.

[Answered by Nos. 159 and 160.]

19TH APRIL. Should be glad to be informed as soon as Bills referred to in your despatch of 24th January, No. 37,† are enacted and brought into operation so that steps may be taken to notify adherence of Canada to Industrial Property Convention and for preparation of Order in Council under Section 91, Patents and Designs Acts, 1907 to 1919. Board of Trade observe that no provision appears to be made at present in the Canadian law for registration and protection of "marques collectives" in accordance with Article 7 bis of revised Convention and suggest that necessary provision might be made for this purpose in present Trade Marks Bill.—DEVONSHIRE.

25264

No. 159.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.50 p.m., 19th May, 1923.)

TELEGRAM.

19TH MAY. Your telegram 19th April.‡ Certain Bills transmitted with my despatch 24th January, No. 37.† Adherence of Canada to International Convention for Protection of Industrial Property as revised at Washington in 1911. My

* Not reprinted.

† No. 157.

‡ No. 158.

Ministers represent that Bill to amend Trade Mark and Designs Act(s) has been amended in accordance with suggestions contained in your despatch [?telegram] above referred to and that as soon as amending legislation is enacted copy (copies) of same will be forwarded to you.—BYNG.

36577

No. 160.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 23rd July, 1923.)

(No. 368.)

MY LORD DUKE,

Government House, Ottawa, 13th July, 1923.

WITH reference to my despatch No. 37 of the 24th January,* on the subject of the adherence of Canada to the International Convention for the Protection of Industrial Property, as revised at Washington in 1911, and also with reference to your telegram of the 19th April last,† I have the honour to transmit, herewith, a copy of a letter and enclosures from the Department of the Secretary of State for External Affairs.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 160.

FROM DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 11th July, 1923.

WITH reference to my letter of the 18th January last, on the subject of the adherence of Canada to the International Convention for the Protection of Industrial Property as revised at Washington in 1911, and to a telegraphic despatch from the Secretary of State for the Colonies, dated 19th April, 1923, I have the honour to transmit herewith copies of Chapter 23—An Act to amend the Trade Mark and Design Act—and of Chapter 28—An Act to amend and consolidate the Acts relating to Patents of Invention—of the Statutes of Canada, 1923. The latter Act came into force on the day of its assent, the 13th June last; the former Act by proclamation of the Governor-in-Council, which was published in the *Canada Gazette* of the 7th instant, will come into force on the first day of September next. I also enclose six copies of the proclamation.

It will be observed that, in accordance with the suggestion of the Board of Trade contained in the telegraphic despatch above mentioned, provision has been made in Section 3 of the Act amending the Trade Mark and Design Act for the registration and protection of "marques collectives" in accordance with Article 7 bis of the Revised Convention.

In making the declaration of Canada's adhesion pursuant to the terms of the Minute of Council, it is desired that the second class be designated as that in which Canada wishes to be placed under Article 13 of the Convention for the purpose of determining the amount of Canada's contribution to the expenses of the International Office. It is understood from this Article that Canada will be advised by the International Office of the amount of her contribution.

I am to request that His Excellency may be humbly moved to cause the Secretary of State for the Colonies to be informed in the above sense, at the same time transmitting the enclosed documents.

I have, &c.,

JOSEPH POPE,

Under-Secretary of State for External Affairs.

* No. 157. † No. 158.

40020

No. 161.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 389.)

MY LORD,

Downing Street, 17th August, 1923.

WITH reference to my despatch No. 370 of the 2nd of August,* I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a despatch to His Majesty's Minister at Berne on the subject of the accession of Canada to the International Convention for the Protection of Industrial Property, 1911.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 161.

(No. 203.)

SIR,

Foreign Office, S.W.1, 9th August, 1923.

THE Government of the Dominion of Canada have signified their desire to accede, as from 1st September next, to the International Convention for the Protection of Industrial Property, signed at Washington on 2nd June, 1911.

2. I request that you will accordingly notify this accession to the Swiss Government and will report to me the date on which you do so.

I am, &c.,

G. H. VILLIERS.

Sir Milne Cheetham, K.C.M.G.,

&c., &c., &c.

45503

No. 162.

HIS MAJESTY'S MINISTER AT BERNE to FOREIGN OFFICE.

(Received in Colonial Office, 14th September, 1923.)

(No. 126.)

MY LORD,

Berne, 8th September, 1923.

WITH reference to Your Lordship's despatch No. 203 of the 9th August† regarding the accession of the Government of the Dominion of Canada to the International Convention for the Protection of Industrial Property, I have the honour to transmit herewith copy of the reply of the Swiss Government to the note addressed to them on the 21st ultimo, enclosing a Circular which has been distributed to the Governments of the States who are already members of the Convention.

2. It will be seen that the Political Department point out that the Commonwealth of Australia has not yet adhered to the Convention signed at Washington on the 2nd June, 1911, and is therefore still bound by the regulations in force previous to the 1st May, 1913. The Swiss Government would, therefore, be glad if the attention of the Government of the Commonwealth of Australia could be called to this fact.

I have, &c.,

(For His Majesty's Minister)

R. I. BAIRD.

* Not printed: it stated that steps would be taken in due course to notify the accession of Canada to the Convention. † Enclosure in No. 161.

Enclosure in No. 162.

Département politique fédéral.
Division des Affaires étrangères.
B.14.3.6. II.—FO.
Ad. No. 32 (752/467/23).

PAR note du 21 août, la Légation de Grande-Bretagne a bien voulu notifier au Département Politique Fédéral l'accession du Canada à la Convention de Paris du 20 mars 1883 pour la protection de la propriété industrielle, révisée à Bruxelles le 14 décembre 1900 et à Washington le 2 juin 1911.

Le Département Politique a l'honneur de faire savoir à la Légation de Grande-Bretagne que cette accession a été portée à la connaissance des Gouvernements des pays membres de l'Union de la propriété industrielle par une note circulaire, dont ci-joint un exemplaire.

A teneur de la notification de la Légation, et conformément à l'article 16 bis de la Convention d'Union précitée, cette adhésion produit ses effets à partir du 1^{er} septembre 1923.

Le Département croit devoir rappeler que seule, non seulement parmi les colonies britanniques, mais encore parmi tous les pays membres de l'Union internationale, l'Australie n'a pas encore adhéré aux Actes de Washington et continue d'être liée par les actes qui étaient en vigueur dans l'Union avant le 1^{er} mai 1913, date à laquelle la révision du 2 juin 1911, a commencé à déployer ses effets. Il serait reconnaissant à la Légation de vouloir bien attirer à nouveau l'attention du Gouvernement de Sa Majesté Britannique sur cette lacune, qui empêche de réaliser l'unité du régime unioniste.

Le Département saisit cette occasion de renouveler à la Légation l'assurance de sa haute considération.

Berne, le 4 septembre 1923.

A la Légation de Grande-Bretagne,
Berne.

Berne, le 1^{er} septembre 1923.

MONSIEUR LE MINISTRE,

LE 21 août dernier, la Légation de Grande-Bretagne à Berne nous a fait savoir, avec prière donner connaissance aux Gouvernements des pays membres de l'Union pour la protection de la propriété industrielle, que la Colonie du Canada a accédé à la Convention d'Union de Paris du 20 mars 1883 pour la protection de la propriété industrielle, révisée à Bruxelles le 14 décembre 1900 et à Washington le 2 juin 1911.

A teneur de la note de la Légation et conformément à l'article 16 bis de ladite Convention d'Union, cette adhésion produit ses effets à partir du 1^{er} septembre 1923.

En priant Votre Excellence de vouloir bien prendre note de ce qui précède nous saisissons cette occasion pour Vous renouveler, Monsieur le Ministre, l'assurance de notre haute considération.

Au nom du Conseil fédéral suisse :

Le Président de la Confédération,
(Signé).

Le Chancelier de la Confédération,
(Signé).

Son Excellence
Monsieur le Ministre
des Affaires Etrangères.

45503

No. 163.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 467.)

MY LORD,

Downing Street, 24th September, 1923.

WITH reference to my despatch No. 389 of the 17th of August,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a despatch† from His Majesty's Minister at Berne regarding the accession of Canada to the International Convention for the Protection of Industrial Property.

I have, &c.,

DEVONSHIRE.

45503

No. 164.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 379.)

MY LORD,

Downing Street, 4th October, 1923.

WITH reference to my predecessor's despatch No. 493 of the 8th of December, 1921,‡ I have the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a note§ from the Swiss Government, in which it is observed that the Commonwealth of Australia has not yet adhered to the Industrial Property Convention signed at Washington on the 2nd of June, 1911.

I have, &c.,

DEVONSHIRE.

50649

No. 165.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 392.)

[MY LORD,] [SIR,]

Downing Street, 26th October, 1923.

WITH reference to my despatch Dominions No. 104 of the 19th of March|| [To Canada only: and to my despatch No. 467 of the 24th of September¶] [To Australia only: and to my despatch No. 379 of the 4th of October.**] I have the honour to transmit to [Your Excellency.] [Your Royal Highness.] [you,] for the information of your Ministers, the accompanying copies of an extract from the *London Gazette* of the 12th of October containing the Patents, Designs and Trade Marks (Canada) Order, 1923, dated the 11th of October.

I have, &c.,

DEVONSHIRE.

* No. 161. † No. 162. Omitting paragraph 2 of covering despatch and paragraph 4 of enclosure. ‡ 59700; not printed; it dealt with a letter from the Berne Bureau urging that the Commonwealth should accede to the Convention. § Enclosure in No. 162. || 13070; not printed; it related to the accession of Danzig to certain agreements dealing with trade-marks. ¶ No. 163. ** No. 164.

Enclosure in No. 165.

EXTRACT FROM THE *London Gazette*, 12TH OCTOBER, 1923.

At the Court at Buckingham Palace, the 11th day of October, 1923.

PRESENT,

The King's Most Excellent Majesty in Council.

WHEREAS by Section 91 of the Patents and Designs Acts, 1907 and 1919 (7 Edw. 7, c. 29, and 9 and 10 Geo. 5, c. 80), it is, in regard to International and Colonial arrangements relating to the registration of patents, designs and trade marks, provided, *inter alia*, as follows:—

"(5) Where it is made to appear to His Majesty that the legislature of any British possession has made satisfactory provision for the protection of inventions, designs or trade marks, patented or registered in this country, it shall be lawful for His Majesty, by Order in Council, to apply the provisions of this Section to that Possession, with such variations or additions, if any, as may be stated in the Order":

And whereas it is made to appear to His Majesty that the legislature of the Dominion of Canada has made satisfactory provision for the protection of inventions, designs and trade marks, patented or registered in the United Kingdom:

Now, therefore, His Majesty, by and with the advice of His Privy Council, by virtue and in pursuance of the provisions of the above recited Sub-section, and of every other power Him thereunto enabling, doth order, and it is hereby ordered, as follows:—

1. The provisions of Section 91 of the Patents and Designs Acts, 1907 and 1919, shall apply to the Dominion of Canada.
2. This Order shall take effect from the 1st September, 1923.
3. This Order may be cited as the Patents, Designs and Trade Marks (Canada) Order, 1923.

M. P. A. HANKEY.

INTERNATIONAL LABOUR CONFERENCE.

(1) Amendment of Article 393, Treaty of Versailles.

(Treaty Series 1925, No. 6.)

11482

No. 166.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.40 p.m., 15th March, 1923.)

TELEGRAM.

[Answered by Nos. 167, 168, 169, 170.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

15TH MARCH. International Labour Conference at last session adopted proposal that Article 393, Treaty of Versailles, should be modified on following lines:—Governing Body, International Labour Office to consist of 32 persons, 16 representing Governments, 8 employers, and 8 workers. Eight of Government representatives to be appointed by members of chief industrial importance, and eight by members selected by Government Delegates to conference, excluding those of above eight. Six of 16 members represented to be non-European States. Employers' and workers' representatives to be elected respectively by employers' and workers' delegates to conference, two of each to belong to non-European States. In last paragraph but one of Article, words "and of appointing substitutes" to be inserted after "filling vacancies," and in last paragraph words "twelve of the representatives" to be substituted for "ten members." Under Article 422 amendment requires ratification. His Majesty's Government prepared to accept proposed amendment, and propose to advise His Majesty the King to ratify. Would your Ministers wish ratification on their behalf also?—DEVONSHIRE.

14948

No. 167.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.35 a.m., 23rd March, 1923.)

TELEGRAM.

22ND MARCH. Your telegram of 15th March*: ratification of the proposed amendment of Article No. 393 of Treaty of Versailles in regard to the International Labour Office, Canadian Government concur in the ratification on their behalf.—GOVERNOR-GENERAL.

16043

No. 168.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.24 p.m., 28th March, 1923.)

TELEGRAM.

28TH MARCH. Your telegram of 15th March*: modification of Article No. 393 of Treaty of Versailles. Ministers support amendment and ask that His Majesty may be pleased to ratify on behalf of the Union.—ARTHUR FREDERICK.

19804

No. 169.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.0 a.m., 20th April, 1923.)

TELEGRAM.

20TH APRIL. Your telegram of 15th March,* Article No. 393, Treaty of Versailles. New Zealand Government desires that the proposed amendment should be ratified on its behalf by His Majesty's Government. If special separate ratification by New Zealand is required, High Commissioner will be instructed to execute.—JELlicoe.

19809

No. 170.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.15 a.m., 20th April, 1923.)

TELEGRAM.

20TH APRIL. Your telegram of 15th March,* International Labour Conference. Commonwealth Government prepared to accept the proposed amendment of Article No. 393, Treaty of Versailles, and desires ratification by His Majesty on its behalf.—GOVERNOR-GENERAL.

* No. 166.

30528

No. 171.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 11.35 a.m., 25th June, 1923.)

TELEGRAM.

[Answered by Nos. 173, 174, 175, 177, 179, 180.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)

25TH JUNE. My telegram 15th March,* as explained in circular letter 31st May, from Secretary General League of Nations CL 45, for constitutional reasons French Government have expressed desire that Protocol should be drawn up for amendment to Article 393 Treaty of Versailles similar to those for amendments to Covenant. This Protocol would be signed by French representative. Secretary General proposes that this Protocol, ratification of which would be equivalent to ratification of text actually adopted by International Labour Conference, should be open for signature by other Members of International Labour Organization. Secretary of State for Foreign Affairs is advised that it would be convenient that ratification of amendment in question by His Majesty the King should be effected by means of signature of this Protocol and its subsequent ratification by His Majesty, and accordingly proposed that it should be signed on behalf of His Majesty's Government at early date. Presumed that your Ministers would desire signature on their behalf also, and in that case should be glad to learn whom they nominate to sign.—DEVONSHIRE.

30528

No. 172.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.40 a.m., 25th June, 1923.)

TELEGRAM.

[Answered by No. 173.]

My telegram of to-day,† Article 393 Treaty of Versailles. In view of your telegram 20th April‡ presumed that your Ministers would desire High Commissioner to sign Protocol on their behalf.—DEVONSHIRE.

32332

No. 173.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.30 a.m., 28th June, 1923.)

TELEGRAM.

[Answered by No. 176.]

28TH JUNE. Your telegram of 25th June.† Article No. 393 Treaty of Versailles. New Zealand Government would be glad if the Protocol referred to could be signed on its behalf by the representative of His Majesty's Government as probably the High Commissioner for New Zealand may be absent from London.—JELlicoe.

* No. 166. † No. 171. ‡ No. 169.

35025

No. 174.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.30 a.m., 13th July, 1923.)

TELEGRAM.

12TH JULY. Your telegram of 25th June.* Ratification of amendment of Article No. 393 Treaty of Versailles. Sir Edgar Walton, High Commissioner for the Union of South Africa in London, nominated by the Union Government to sign Protocol amendment on their behalf.—ARTHUR FREDERICK.

38441

No. 175.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.0 p.m., 31st July, 1923.)

TELEGRAM.

31ST JULY. Your telegram of 25th June.* Canadian Government have nominated the Honourable Raoul Dandurand, now in Paris, to sign on their behalf protocol drawn up for the amendment of Article No. 393 of the Treaty of Versailles on the lines approved at the 1922 session of the International Labour Conference. Secretary-General of the League of Nations has been informed accordingly.—BYNG.

37521

No. 176.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.5 p.m., 7th August, 1923.)

TELEGRAM.

[Answered by No. 179.]

YOUR telegram 28th June.† Now contemplated that protocol embodying amendment to Article 393, Treaty of Versailles, will not be signed on behalf of this country until forthcoming meeting of Assembly. As High Commissioner will then be present Geneva, would your Ministers prefer that he should sign on behalf of New Zealand?—DEVONSHIRE.

39849

No. 177.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.5 p.m., 9th August, 1923.)

TELEGRAM.

9TH AUGUST. My telegram of 31st July.‡ Nomination by Canadian Government of the Honourable Raoul Dandurand to sign on their behalf the protocol drawn up for amendment of Article 393 of Treaty of Versailles on the lines approved at 1922 session of the International Labour Conference. My Ministers represent that Mr. Dandurand, who was supposed at the time to have been in France, was actually on his way out to this country and has since arrived here. In these circumstances, Monsieur P. Roy, Commissioner-General for Canada in France, has been substituted for Mr. Dandurand to sign on behalf of Canadian Government. Secretary-General League of Nations has been informed of this substitution.—GOVERNOR-GENERAL.

* No. 171. † No. 173. ‡ No. 175.

39636

No. 178.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 2.25 p.m., 13th August, 1923.)

TELEGRAM.

[Answered by No. 180.]

SHOULD be glad to receive an early reply to my telegram 25th June,* Article 393 Treaty of Versailles. Desirable that if possible Protocol should be signed as soon as possible after opening of Assembly so that it may be ratified on behalf of whole Empire before opening of International Labour Conference, 22nd October. Canada, New Zealand and Union of South Africa have made arrangements for signature.—DEVONSHIRE.

40865

No. 179.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12.30 a.m., 16th August, 1923.)

TELEGRAM.

16TH AUGUST. Your telegram 7th August.† New Zealand Government prefers in the altered circumstances that the Protocol embodying amendment of Article 393 Treaty of Versailles should be signed by the High Commissioner.—

40881

No. 180.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.35 a.m., 16th August, 1923.)

TELEGRAM.

17TH AUGUST. Your telegrams dated 25th June,* 13th August.† Amendment of Article No. 393 Treaty of Versailles. My Ministers desire signature of Protocol and nominate Sir Joseph Cook to sign on their behalf.—GOVERNOR-GENERAL.

52833

No. 181.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 182.]

(No. 695.)

SIR, Downing Street, 6th December, 1923.
I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of the text of an amendment to Article 393 of the Treaty of Versailles‡ and the corresponding Articles of the other Treaties of Peace, which was adopted by the General Conference of the International Labour Organization of the League of Nations during its Fourth Session on the 18th October, 1922.

2. Your Ministers will observe that the general effect of the amendment is to increase the total number of members of the Governing Body of the International Labour Office from twenty-four to thirty-two and the number of Government representatives owing their position to election at the General Conference from four to eight.

* No. 171. † No. 176. ‡ No. 178. § Not reprinted; see Treaty Series 1925, No. 6.

3. The amendment was subsequently embodied in a Protocol which has been ratified by His Majesty. This ratification applies to the whole Empire and thus extends to the Irish Free State as well as to the other Dominion Members of the International Labour Organization and to India.

4. In view of the nature of the Protocol and the fact that it embodied an amendment adopted by a General Conference which was held before the Irish Free State became a separate Member of the International Labour Organization, it was not thought that your Ministers would wish to be consulted prior to ratification.

I have, &c.,

DEVONSHIRE.

62379

No. 182.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 27th December, 1923.)

(No. 362.)

MY LORD DUKE, Vice Regal Lodge, Dublin, 22nd December, 1923.

I HAVE the honour to refer to Your Grace's despatch No. 695 of the 6th instant,* transmitting a copy of the text of an Amendment to Article 393 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace which was adopted by the General Conference of the International Labour Organization of the League of Nations during its Fourth Session on the 18th October, 1922.

2. My Ministers realize that it is unnecessary to remind Your Grace that they are responsible for acts done in the name of, and on behalf of the Irish Free State, and that a ratification of which they had no previous knowledge, as in the present case, could not include the Free State. This particular matter was not submitted to my Ministers for approval and has not been examined by them, and they trust that in the circumstances His Majesty's Government will, in order to avoid any misapprehension arising, cause it to be made clear that the ratification which has been signified has not been so signified on behalf of the Irish Free State.

I have, &c.,

T. M. HEALY.

INTERNATIONAL REFRIGERATION CONVENTION, 1920.

(Treaty Series 1923, No. 6.)

5879

No. 183.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

Dominions Treaty No. 6.)

[MY LORD,] [SIR,]

Downing Street, 7th February, 1923.

WITH reference to my despatch Dominions Treaty No. 1 of the 5th of January,† I have the honour to request [Your Excellency] [Your Royal Highness] to inform your Ministers that His Majesty's Ambassador at Paris has reported the deposit with the French Government of His Majesty's ratification of the International Refrigeration Convention of the 21st of June, 1920, and his signature of the *procès verbal* of the deposit on the 24th of January.

I have, &c.,

DEVONSHIRE.

* No. 181. † 335: not printed; it notified the ratification of the Convention by Switzerland.

INTERNATIONAL SANITARY CONVENTION, 1912.

(Treaty Series 1921, No. 2.)

17519

No. 184.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9th April, 1923.)

[Answered by No. 185.]

(No. 69.)

MY LORD DUKE, Governor-General's Office, Melbourne, 27th February, 1923.

REFERRING to Your Grace's despatch dated 8th December, 1922, No. 446,* covering a copy of a note from the French Government explaining the reasons for which it is unable to recognize the accession of the Commonwealth Government to the International Sanitary Convention, 1912, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government has adopted the suggestion made in the despatch under reference respecting the modification of the reservation previously made in its adherence to the Convention, and now notifies its adherence thereto with the following reservation:—

"The Commonwealth Government ratifies the Convention under the reserve that nothing in Article 9 of the Convention will be considered as prohibiting the Commonwealth of Australia from taking special quarantine measures against the infection of its ports which unusual sanitary conditions may render necessary. Whilst making this reserve the Government of the Commonwealth of Australia does not contemplate any infringement of the basic regulations of the Convention."

I have, &c.,

FORSTER,
Governor-General.

21293

No. 185.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 182.)

MY LORD, Downing Street, 8th May, 1923.

WITH reference to Your Excellency's despatch No. 69 of the 27th of February,† I have the honour to transmit to you, for the information of your Ministers, a copy of a despatch to His Majesty's Ambassador at Paris, regarding the accession of the Commonwealth of Australia to the International Sanitary Convention of 1912.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 185.

MY LORD,

Foreign Office, S.W.1, 25th April, 1923.

IN his despatch No. 2584 of the 6th November last, Lord Hardinge forwarded to this Department a Note‡ from the French Government setting out the reasons for which they were unable to recognize the accession of the Government of the Commonwealth of Australia to the International Sanitary Convention of 1912.

* No. 140 in Dominions No. 87.

† No. 184.

‡ Enclosure in No. 140 in Dominions No. 87.

2. I request that Your Excellency will inform the French Government that, in deference to their views, the Commonwealth Government have modified the terms of their reservation, which is now in similar terms to that of the United States Government. The reservation runs as follows:—

"The Commonwealth Government accedes to the Convention under the reserve that nothing in Article 9 of the Convention will be considered as prohibiting the Commonwealth of Australia from taking special quarantine measures against the infection of its ports which unusual sanitary conditions may render necessary. Whilst making this reserve, the Government of the Commonwealth of Australia does not contemplate any infringement of the basic regulations of the Convention."

3. You should request the French Government to place on record the accession of the Commonwealth of Australia to the Convention subject to the above-quoted reservation and to notify all other parties concerned.

4. I shall be glad if you will report to me in due course the date on which you notify this accession.

I am, &c.,
(For the Secretary of State),
G. H. VILLIERS.

His Excellency

The Most Honourable

The Marquess of Crewe, K.G.,

&c., &c., &c.

INTERNATIONAL TELEGRAPH CONVENTION: ADHESION OF
IRISH FREE STATE.

49885

No. 186.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th October, 1923.)

[Answered by No. 187.]

(No. 291.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 12th October, 1923.

I HAVE the honour to refer to Article 18 of the International Telegraph Convention and to request that Your Grace will be so good as to cause the necessary steps to be taken to have the adherence of the Irish Free State to that Convention notified to the Government of Portugal, upon whom, as the Government of the contracting State in which the last Conference was held, would appear to rest the duty of notifying the other contracting States in conformity with the provisions of the Article above mentioned.

2. In this connexion I have the honour to furnish the following essential particulars:—

(1) *Article 10: Regulations XXI to XXIV.*—The terminal and transit rates chargeable by the Irish Free State in respect of International telegrams will be:

	Terminal Rate.	Transit Rate.
European Regime	6 centimes	35 centimes
	per word.	per word.
Extra-European Regime	10 centimes	8 centimes
	per word.	per word.

(2) *Article 10: Regulation XXVII (paragraph 3).*—The standard equivalent of the gold franc in local currency is 96 pence.

(3) *Article 14: Regulation LXXXII.*—For the purposes of contribution towards the expenses of the International Bureau of the Telegraph Union the Irish Free State should be placed in the third class.

I have, &c.,

T. M. HEALY.

49885

No. 187.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 636.)

SIR, Downing Street, 5th November, 1923.
I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 291 of the 12th October,* and to request you to inform your Ministers that the Secretary of State for Foreign Affairs has been asked to make the necessary notification to the Portuguese Government regarding the desire of the Free State Government to adhere to the International Telegraph Convention.

I have, &c.,

DEVONSHIRE.

59210

No. 188.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 701.)

SIR, Downing Street, 7th December, 1923.
WITH reference to my despatch No. 636 of the 5th November,† I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of correspondence with His Majesty's Minister at Lisbon regarding the accession of the Irish Free State to the International Telegraph Convention.

I have, &c.,

DEVONSHIRE.

[56272]

Enclosure 1 in No. 188.

(No. 401.)

(W 8711/386/36.)

SIR, Foreign Office, S.W.1, 19th November, 1923.
THE Government of the Irish Free State have expressed a wish to accede to the International Telegraph Convention and have requested that a formal notification to this effect may be communicated to the Portuguese Government, together with the following essential particulars:—

(1) *Article 10: Regulations XXI to XXIV.*—The terminal and transit rates chargeable by the Irish Free State in respect of International telegrams will be:

	Terminal Rate.	Transit Rate.
European Regime	6 centimes	3.5 centimes
	per word.	per word.
Extra-European Regime	10 centimes	8 centimes
	per word.	per word.

(2) *Article 10: Regulation XXVII (paragraph 3).*—The standard equivalent of the gold franc in local currency is 9.6 pence.

* No. 186.

† No. 187.

(3) *Article 14: Regulation LXXXII.*—For the purposes of contribution towards the expenses of the International Bureau of the Telegraph Union the Irish Free State should be placed in the third class.

2. I request that you will notify the Portuguese Government accordingly and report to me the date on which you do so.

I am, &c.,

C. W. ORDE.

The Honourable

Sir L. Carnegie, G.C.V.O., K.C.M.G.,
&c., &c., &c.

Enclosure 2 in No. 188.

(No. 319.)

MY LORD,

Lisbon, 27th November, 1923.

IN accordance with the instructions contained in Your Lordship's despatch No. 401 (W 8711/386/36) of the 19th instant, I have the honour to report that I have this day notified the Portuguese Government of the accession of the Irish Free State to the International Telegraph Convention, and have communicated at the same time the particulars mentioned in your despatch.

I have, &c.,

LANCELOT D. CARNEGIE.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.

INTERNATIONAL VETERINARY BUREAU.

Proposed International Convention.

60315

No. 189.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 4.)

[MY LORD, [SIR,

Downing Street, 3rd January, 1923.

WITH reference to my despatch No. [519] [389] [224] [284] [162] of the 28th October,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a note† from the French Ambassador containing the views of the French Government as to the bearing of Article 24 of the Covenant of the League of Nations on the status of the proposed International Veterinary Bureau.

2. This note has been under the consideration of His Majesty's Government, and it is proposed at a suitable moment to inform the French Government that His Majesty's Government agree that the consent of all parties is necessary if the proposed Bureau is to be placed under the League, but that in their view no state which is bound by Article 24 of the Covenant can withhold its consent.

3. The view apparently held by the French Government that Article 24 binds only those governments which originally signed the Covenant and not those which subsequently adhered to it appears to be of very doubtful validity, but there does not seem to be any necessity for contesting it, at the present moment, at any rate.

I have, &c.,

DEVONSHIRE.

* Nos. 146 and 147 in Dominions No. 87.

† Enclosure in No. 145 in Dominions No. 87.

12892

No. 190.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 102.)

[MY LORD,] [SIR,]

Downing Street, 19th March, 1923.

WITH reference to my despatch Dominions No. 4 of the 3rd of January,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a note from the French Minister for Foreign Affairs reporting the decision of the French Government to adhere to the International Veterinary Bureau.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 190.

Ministère des Affaires Etrangères.

Sous-Direction des Affaires Administratives et des

Unions Internationales.

Office international des Epizooties.

Republique Française, Paris, le 3 mars, 1923.

LE Ministère des Affaires Etrangères a l'honneur de faire connaître à l'Ambassade Britannique, en réponse à sa note du 19 janvier dernier, que le Gouvernement français a décidé d'adhérer à l'Office International des Epizooties et de demander son inscription dans la première des six catégories prévues par les statuts de l'Office.

Ambassade Britannique, Paris.

34771

No. 191.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 274.)

[MY LORD,] [SIR,]

Downing Street, 25th July, 1923.

WITH reference to my despatch Dominions No. 102 of the 19th March,† I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of correspondence with the French Ambassador, regarding the proposed Convention creating an International Veterinary Bureau.

I have, &c.,

DEVONSHIRE.

* No. 189.

† No. 190.

Enclosure 1 in No. 191.

PAR lettre (No. W. 7638/3049/17), en date du 15 septembre dernier,* Son Excellence le principal Secrétaire d'Etat de Sa Majesté pour les Affaires Etrangères a bien voulu faire savoir à l'Ambassadeur de France que le Gouvernement de Sa Majesté avait décidé d'adhérer à la Convention Internationale, portant création d'un Office international des Epizooties.

Le préambule du projet commence par les mots: "Les Gouvernements ayant jugé utile d'organiser l'Office international des Epizooties, *rattaché à l'Office international d'Hygiène publique*" d'autre part, l'article 17 des statuts annexés au projet d'arrangement vise également ce rattachement.

Or, parmi les pays qui ont refusé de participer à l'Office international des Epizooties il s'en trouve un certain nombre qui font partie de l'Office international d'Hygiène publique. Le Gouvernement français craint qu'il ne soit très difficile, sinon impossible, d'amener tous ces pays à consentir au rattachement envisagé. Il lui est donc apparu qu'il convenait: 1° d'effacer du préambule de l'arrangement les mots "rattaché à l'Office international d'Hygiène publique"; 2° de supprimer l'article 17 des statuts.

Dans ces conditions, il appartiendrait au Comité de l'Office des Epizooties, lorsqu'il sera en fonction, soit de laisser cet office indépendant, soit d'en poursuivre le rattachement à un organisme déjà existant.

Le Comte de Saint-Aulaire a été chargé de demander au Gouvernement britannique s'il approuve les changements proposés. Dans l'affirmative le Gouvernement français serait heureux que des pleins pouvoirs fussent envoyés aussitôt que possible par le Gouvernement britannique à son représentant à Paris en avisant ce dernier de son assentiment aux dites modifications. Il saisit cette occasion pour renouveler à Sa Seigneurie le Marquis Curzon de Kedleston les assurances de sa haute considération.

AMBASSADE DE FRANCE A LONDRES,

Albert Gate House, 11 juin, 1923.

Enclosure 2 in No. 191.

YOUR EXCELLENCY,

Foreign Office, S.W.1., 11th July, 1923.

IN your Note of the 11th ultimo, Your Excellency communicated to me the reasons for which, in the opinion of the French Government, the International Veterinary Bureau, when formed, could not be attached to the International Office of Public Hygiene, and inquired whether His Majesty's Government had any objection to the text of the proposed Convention creating the Bureau being altered accordingly.

2. I now have the honour to inform Your Excellency that His Majesty's Government have no objection to the proposal of the French Government and they concur in the alterations set out in paragraph 3 of your Note.

3. The necessary authority to sign the Convention on behalf of His Majesty's Government will shortly be sent to His Majesty's Ambassador in Paris.

I have, &c.,

G. H. VILLIERS.

His Excellency

Count de Saint-Aulaire,

&c., &c., &c.

37837

No. 192.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 289.)

[MY LORD,] [SIR,]

Downing Street, 7th August, 1923.

WITH reference to my despatch Dominions No. 4 of the 3rd January,† I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the

* Enclosure in No. 146 in Dominions No. 87.

† No. 189.

information of your Ministers, a copy of a note to the French Ambassador regarding the bearing of Article 24 of the Covenant of the League of Nations on the status of the proposed International Veterinary Bureau.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 192.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 27th July, 1923.

In the note which Your Excellency was so good as to address to me on the 15th October last,* you stated the view of the French Government on the question of the relationship between the proposed International Veterinary Bureau and the League of Nations.

2. It appears to His Majesty's Government that, since all members of the League are bound by Article 24 of the Covenant, any international bureau constituted by general treaty after the coming into force of the Covenant can only be kept independent of the League by consent of all parties to the Bureau who are members of the League, and that any State giving its consent would be at liberty to attach a condition that it should be free to withdraw from the Bureau at any time if it were not placed under the direction of the League.

3. His Majesty's Government consider it important, as a matter of general principle, that the Veterinary Bureau should, if possible, be made subordinate to the League, and they would suggest that any non-member of the League which participates in the Bureau should be pressed to agree to this course. For their own part, in consideration of Articles 24 and 20 of the Covenant of the League, His Majesty's Government feel obliged to reserve their right to withdraw at any time from the Bureau if it is not placed under the direction of the League.

I have, &c.,
(For the Secretary of State),
R. H. CAMPBELL.

His Excellency
Count de Saint-Aulaire,
&c. &c. &c.

59133

No. 193.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4th December, 1923.)

(No. 292.)

MY LORD DUKE,

Wellington, 27th October, 1923.

I HAVE the honour to transmit to Your Grace the accompanying copy of a memorandum which has been addressed to me by my Acting Prime Minister, informing me that in June last, in reply to a communication from the French Consul at Auckland, the New Zealand Government intimated its willingness to adhere to the proposed International Veterinary Bureau to be created in Paris, with inscription in the sixth category.

I have, &c.,
JELLICOE,
Governor-General.

Enclosure in No. 193.

Prime Minister's Office, Wellington.

26th October, 1923.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR-GENERAL.

Sir Francis Bell, for the Prime Minister, presents his respectful compliments to His Excellency the Governor-General, and begs to recommend that the Secretary of State for the Colonies be advised that in June last, in reply to a communication from the French Consul at Auckland, the New Zealand Government intimated its

* Enclosure in No. 145 in Dominions No. 87.

willingness to adhere to the proposed International Veterinary Bureau to be created in Paris, with inscription in the sixth category. In all correspondence on the subject, the Government of New Zealand has acted in consonance with the views expressed by the Imperial Government in its despatches to the French Government, copies of which have from time to time been received through His Excellency from the Secretary of State for the Colonies.

F. H. D. BELL,
For the Prime Minister.

59274

No. 194.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.20 p.m., 4th December, 1923.)

TELEGRAM.

[Answered by No. 195.]

4TH DECEMBER. Your despatch of 28th October, 1922, No. 284,* International Veterinary Bureau. My Ministers would be glad to learn whether the Governments of Australia and New Zealand have decided to participate.—ARTHUR FREDERICK.

59274

No. 195.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 11.30 a.m., 7th December, 1923.)

TELEGRAM.

7TH DECEMBER. Your telegram 4th December,† International Veterinary Bureau. No reply received from Australia. New Zealand has decided to adhere with inscription in 6th category.—DEVONSHIRE.

IRISH FREE STATE.

(1) Communications on International Affairs.

8219

No. 196.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 197.]

(No. 80.)

SIR,

Downing Street, 15th February, 1923.

I HAVE the honour to invite Your Excellency's consideration to the question of communications to your Ministers on international affairs.

2. As you are doubtless aware, for some years past, and to an increasing extent since the late European War, the Governments of the Dominions have been consulted on and kept in continuous touch with Imperial questions of foreign policy. At such times as Dominion Ministers have been present at meetings of Imperial or International Conferences, His Majesty's Government have had the advantage of free discussion with them on these questions. At other times, frequent correspondence is exchanged between the British Government and the Governments of the Dominions, and endeavour is made to keep the latter currently acquainted with any change of circumstance or of policy in which they, no less than the parent country, are vitally concerned.

* No. 146 in Dominions No. 87.

† No. 194.

3. When approached by my predecessor on this subject, Mr. Griffith and the members of the Provisional Government intimated that they did not wish to begin the consideration of matters of this nature until such time as their Departmental arrangements for dealing with communications on the subject were more fully advanced.

4. While His Majesty's Government are for the present continuing to act on this understanding, they are ready to arrange for the necessary facilities whenever your Ministers feel themselves free to consider those wider aspects of policy which jointly concern the nations incorporated in the British Commonwealth, and have informed Your Excellency that they desire to do so.

I have, &c.,
DEVONSHIRE.

18452

No. 197.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th April, 1923.)

(No. 89.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 12th April, 1923.

I HAVE the honour to advert to Your Grace's despatch No. 80 of the 15th February* with reference to the question of communications from His Majesty's Government to the Government of the Irish Free State on International Affairs, and to inform you that my Ministers are of opinion that it would be advisable to continue provisionally the understanding arrived at between the late President Griffith and Mr. Winston Churchill, mentioned in paragraph 3 of your despatch, whereby such communications and consultations were deferred until such time as the Irish Government should be in a position to deal adequately with matters of this nature.

I have, &c.,
T. M. HEALY.

35611

No. 198.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 16th July, 1923.

I HAVE the honour to inform Your Excellency that, in connexion with the forthcoming Imperial Conference and in accordance with the wishes of the President of the Executive Council, Mr. Desmond Fitzgerald recently called at the Colonial Office and the Foreign Office, with a view to being supplied with certain information as to the present international situation.

2. Mr. Fitzgerald was shown various papers bearing on the matter, and I now transmit, under separate cover, for your secret information and that of the President of the Executive Council and Mr. Fitzgerald, a selection of Foreign Office papers† dealing with various aspects of the present position.

3. Mr. Fitzgerald further asked that copies of certain telegrams to the Dominion Governments on the subject of the Near East situation might be supplied, and copies of these are enclosed.‡ It will be observed that in my official telegram of the 27th October§ reference was made to a proposal that any Treaties negotiated at the Lausanne Conference should be signed separately on behalf of the Dominions. As a result of further correspondence with the Dominion Prime Ministers, it is now intended to adopt a suggestion of the Prime Minister of Canada that these Treaties should be signed only by those British plenipotentiaries who have negotiated them.

I have, &c.,
DEVONSHIRE.

* No. 196. † Not printed. ‡ Nos. 304, 317, 348, 355 and 356 in Dominions No. 87.

§ No. 355 in Dominions No. 87.

35611

No. 199.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 19th July, 1923.

WITH reference to my Secret despatch of the 16th July,* I have the honour to inform Your Excellency that arrangements have now been completed for the periodical transmission to yourself of copies of all such Foreign Office documents as are sent to the Officers Administering the Government of the other self-governing Dominions. I propose similarly to transmit to you as soon as possible after despatch copies of telegrams sent by me to the Officers Administering the Government of other Dominions on the subject of Foreign Affairs.

2. These documents, which will be addressed to you under secret cover, will normally be unaccompanied by a formal despatch. You will understand that they are transmitted for your own personal information and for that of the President of the Executive Council.

I have, &c.,
DEVONSHIRE.

(2) Ratification of Certain Conventions.

56064

No. 200.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 21st November, 1923.)

[Answered by No. 201.]

SIR,

Foreign Office, S.W.1, 20th November, 1923.

WITH reference to Colonial Office letter of the 4th May, 1922,† I am directed by the Marquess Curzon of Kedleston to transmit herewith, for the information of the Duke of Devonshire, a copy of a letter written from Geneva by Mr. Malkin, Assistant Legal Adviser to this Department, and enclosing a copy of a letter from Dr. Van Hamel of the Secretariat General of the League, regarding the position of the Irish Free State in connexion with the ratification of the Barcelona Convention regarding Freedom of Transit, the Barcelona Convention regarding Navigable Waterways, the additional protocol regarding Navigable Waterways, the Barcelona Declaration recognizing the right to a Flag of States having no Sea Coast, the Convention for the Suppression of the Traffic in Women and Children, the Protocol establishing the Permanent Court, and the Amendments to the Covenant of the League of Nations.

2. The letter from your Department to the Secretary of the Provisional Government, dated 2nd May, 1922,‡ informed them that international conventions already in force would continue to apply to the Irish Free State, when it was established, unless or until they were modified; and that this position would further apply to international conventions signed prior to the legalization of the articles of agreement with the Irish Free State and then due for formal ratification, such as the International Air Convention concluded in 1919, the treaties concluded at the Washington Conference on Disarmament, at the second Assembly of the League of Nations, and at Barcelona in 1921.

3. It appears further from a memorandum enclosed in an unofficial letter from Mr. Antrobus of your Department to Mr. Malkin of the Foreign Office, dated 25th April, 1922,§ that this arrangement was also considered to cover the Convention relating to the Traffic in Women and Children drawn up at the second Assembly of the League of Nations in 1921.

* No. 198. † 20759: not printed; it enclosed a copy of No. 152 in Dominions No. 87. ‡ No. 152 in Dominions No. 87. § 18973: not printed; it enclosed a memorandum setting out the position and the draft of No. 152 in Dominions No. 87.

4. The protocol establishing the Permanent Court of International Justice was ratified on behalf of the British Empire on 4th August, 1921; and though it is not specifically mentioned in the memorandum enclosed in Mr. Antrobus's letter of 25th April, 1922,* it may, in the Secretary of State's opinion, be considered as coming within the arrangement referred to in the memorandum contained in that letter.

5. All the amendments to the Covenant of the League of Nations (except those to Article 16, which have not yet been signed) were signed on behalf of the British Empire (including Ireland) and Australia, on 17th May, 1922, and separate signatures were affixed on behalf of the other Dominions which were then separate members of the League. Ratifications on behalf of the whole Empire were deposited at various dates between 3rd November, 1922, and 5th July, 1923.

6. It is therefore clear that as regards each of the instruments mentioned in Dr. Van Hamel's letter the Irish Free State is, and was at the time when it became a member of the League, bound by a ratification which had been previously deposited, and that no further ratification on behalf of the Free State is possible or desirable. If His Grace concurs in this view, the Secretary of State will cause a reply to this effect to be returned to Dr. Van Hamel.

7. I am to ask the favour of an early reply, in order that a complete answer may be sent as soon as possible to Monsieur Van Hamel's letter.

I am, &c.,

HERBERT MONTGOMERY.

Enclosure in No. 200.

British Delegation, Hotel Bellevue, Geneva,

19th October, 1923.

MY DEAR MOUNSEY,

THE enclosed letter from Van Hamel, the Director of the Legal Section of the Secretariat, is the result of a discussion I had with him to-day, and is, I think, self-explanatory.

I did not like to give him an answer at once as I could only speak from memory, so I told him that, if he would put his point on paper, I would send it home; they are extremely anxious not to do anything which would annoy either us or the Irish Free State, and would therefore be grateful for some directions.

My recollection is:—

(1) That the Irish Free State is already bound as regards each of the Conventions mentioned by Van Hamel by a ratification deposited on behalf of the whole Empire.

(2) That the position of the Irish Free State was considered in consultation with the Colonial Office before the ratification of each of the Conventions in question was deposited and that the Irish Free State knows that it is already bound and is content to be so bound.

(3) That in these circumstances it would be better for the Secretariat not to send any of the Conventions to the Free State at all.

It is, however, important that no mistake should be made about this, as I have no doubt that the Secretariat will act in accordance with what we may tell them, and I should therefore be much obliged if you would, after consulting the Colonial Office if you think it necessary, send me a reply which I can hand to Van Hamel as a sufficiently official expression of our views.

Van Hamel suggested that, even if the Free State was bound by a ratification already deposited, it might be better that some further form of ratification on its behalf should be deposited; I told him that such a course was out of the question, and I think he is quite willing to drop the idea if he is only given a sufficient lead by us.

Yours sincerely,

H. W. MALKIN.

G. Mounsey, Esq.,

Foreign Office,

Downing Street, London, S.W.1.

* 18973: not printed; it enclosed a memorandum setting out the position and the draft of No. 152 in Dominions No. 87.

MY DEAR MALKIN,

League of Nations, Geneva, 19th October, 1923.

As I have already told you, we are in some difficulties in the Secretariat with regard to the following point:—

It is the practice of the Secretariat to send to newly-admitted Members of the League the texts of the international instruments, ratifications of which are receivable by the Secretariat, in order that the new Members may have their attention called to these instruments and in some cases to the special desirability of ratifying them.

The question which now arises is whether any of these instruments should be sent with this object to the Irish Free State. This raises the question as to how far the Irish Free State may or may not already be covered and bound by signatures and ratifications already given on behalf of, or by, the King.

The documents in question are:

Barcelona Convention re Freedom of Transit.

Barcelona Convention re Navigable Waterways.

Additional Protocol re Navigable Waterways.

Barcelona Declaration recognizing the right of a Flag to States having no Sea-coast.

Convention for the Suppression of the Traffic in Women and Children.

The Protocol establishing the Permanent Court.

Amendments to the Covenant.

We have examined all the instruments of ratification dealing with these matters, but in deciding which documents, if any, should be presented to the newly elected Member of the League—Ireland—we are anxious to follow a line on which probably both parties have already agreed.

I should be very glad if you could let me have some information on this point at your earliest convenience.

Yours sincerely,

VAN HAMEL.

W. Malkin, Esq.,

Hotel Belle vue,

Geneva.

56064

No. 201.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 17th December, 1923.

WITH reference to your letter of the 20th November,* regarding the position of the Irish Free State in connexion with the ratification of certain conventions and protocols and the amendments to the Covenant of the League of Nations, I am directed by the Duke of Devonshire to request you to inform the Marquess Curzon of Kedleston that he agrees with the view expressed in the sixth paragraph of the letter.

2. His Grace suggests that the reply to the Secretariat of the League should take the form that the instruments referred to by Dr. Van Hamel, except the amendments to Article 16 of the Covenant, which are still under consideration, were signed for the British Empire (including Ireland) before the admission of the Irish Free State to Membership of the League, and that as the result of His Majesty's Ratification they are, with the exception referred to, binding on the Irish Free State, and that, therefore, no further action either on the part of the League or of the Irish Free State is required.

I am, &c.,

L. B. FREESTON.

* No. 200.

ITALY.

(1) Commercial Treaty with Canada.

(Treaty Series 1924, No. 10.)

1979

No. 202.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 21.)

MY LORD,

Downing Street, 13th January, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, one certified copy and two plain copies of the Treaty of Commerce between Canada and Italy, signed at London on the 4th of January, 1923.

2. Mr. Fielding, before his departure for Canada, asked that the certified copy might be communicated to him as soon as possible. It is understood that Mr. Fielding took with him a number of uncertified copies.

I have, &c.,

DEVONSHIRE

6914

No. 203.

THE HIGH COMMISSIONER FOR CANADA to COLONIAL OFFICE.

(Received 7th February, 1923.)

SIR,

19, Victoria Street, London, S.W.1, 7th February, 1923.

WITH reference to my letter of yesterday's date,* I now beg to inform you that a further cablegram has been received from the Minister of Finance at Ottawa to the effect that the Italian Treaty was submitted to Parliament yesterday, and can now be made public.

The Minister asks that the Foreign Office and the Italian Ambassador may be informed, and the High Commissioner will be obliged if the Secretary of State will be good enough to act accordingly.

I am, &c.,

LUCIEN PACAUD.

Joint Secretary.

7090

No. 204.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 79.)

MY LORD,

Downing Street, 13th February, 1923.

WITH reference to my despatch No. 21 of the 13th of January,† I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a note from the Italian Ambassador relative to the Commercial Treaty between Canada and Italy.

2. The note to the Italian Ambassador was based on a letter‡ from the High Commissioner.

I have, &c.,

DEVONSHIRE.

* No. 128.

† No. 202.

‡ 5519: not printed; it stated that it was proposed to submit the Treaty to the Canadian Parliament on or about the 6th February.

Enclosure in No. 204.

(Translation 245.)

MY LORD MARQUESS,

Italian Embassy, London, 3rd February, 1923.

IN reply to Your Lordship's note of yesterday's date, I have the honour to inform you that the Italian Government has learnt with pleasure the decision of the Canadian Government to present at an early date for the approval of Parliament the Commercial Agreement concluded with Italy. The Italian Government on their part are making arrangements in order that the ratification may take place as soon as possible.

I have, &c.,

TORRETTE.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.

Note.—Correspondence relating to the ratification of the Treaty as well as the Commercial Convention between Canada and France, intervening between the above despatch and that which follows, is printed under "France: Commercial Convention with Canada."

45507

No. 205.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 446.)

MY LORD,

Downing Street, 18th September, 1923.

WITH reference to my telegram of the 13th of August,* I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a Note from the Italian Ambassador regarding the ratification of the Italo-Canadian Commercial Convention.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 205.

(Translation.)

(No. 2011.)

MY LORD MARQUESS,

Italian Embassy, London, S.W., 5th September, 1923.

IN reply to your Note of the 13th ultimo, I have the honour to inform Your Lordship that, in view of the urgent necessity of proceeding to the ratification of the Italo-Canadian Commercial Convention, the Italian Ministry for Foreign Affairs has decided, in agreement with the competent departments, to arrange for putting it into execution in Italy by means of a decree-law. This decree is already in preparation, and it will, therefore, be possible to ratify the Convention shortly.

I have, &c.,

TORRETTE.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.

* No. 134.

49129

No. 206.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 525.)

MY LORD,

Downing Street, 1st November, 1923.

WITH reference to my despatch No. 446 of the 18th of September,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a despatch from His Majesty's Ambassador at Rome reporting that the Italian Parliament will reassemble at the end of November when the commercial treaties with Switzerland, Austria and Canada will be discussed.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 206.

(No. 845.)

MY LORD,

British Embassy, Rome, 26th September, 1923.

A STEFANI Communiqué appears in the press to-day to the effect that the Senate will reassemble on 8th November to consider the three important bills already passed by the Chamber, namely, the electoral reform bill, the new customs tariffs, and the reform of the legal codes.

It is added that both the Senate and the Chamber will reassemble at the end of November for the usual autumn session, when the commercial treaties with Switzerland, Austria and Canada will be discussed. In the meanwhile, the work of the parliamentary committees engaged in the examination of these treaties is to be expedited.

It is foreshadowed that Signor Mussolini will take this opportunity of reviewing the results of the first year of Fascismo.

I have, &c.,

R. GRAHAM.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,
&c. &c. &c.

54050

No. 207.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 546.)

MY LORD,

Downing Street, 14th November, 1923.

WITH reference to my despatch No. 525 of the first instant,† I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a despatch from His Majesty's Ambassador at Rome, transmitting a copy of a Royal Decree relative to the Italo-Canadian Commercial Convention.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 207.

(No. 959.)

MY LORD,

Rome, 1st November, 1923.

WITH reference to your despatch No. 1455 of 6th December, regarding the Treaty concluded between the Italian and Canadian Governments, I have the honour to transmit copy and translation of Decree Law No. 2222, dated 15th September,

* No. 205. † No. 206.

1923, published in the *Gazzetta Ufficiale* No. 255 of 27th October, which gives full execution to this Treaty.

The Convention which is appended to the Decree is published in Italian and in English.

I have, &c.,
R. GRAHAM.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,
&c. &c. &c.

TRANSLATION OF ROYAL DECREE LAW NO. 2222, DATED 15TH SEPTEMBER, 1923, PUBLISHED IN THE *Gazzetta Ufficiale* No. 253 OF 27TH OCTOBER, RELATING TO THE ITALO-CANADIAN CUSTOMS AND COMMERCIAL CONVENTION.

With reference to the fifth Article of the fundamental Statute of the Kingdom, On the proposal of Our Minister, Secretary of State *ad interim* for Foreign Affairs, and Prime Minister, in agreement with the Ministers for National Economy and Finance,

WE HAVE DECREED AND DECREE:

Article 1.

Full and complete execution is given to the Italo-Canadian Customs and Commercial Convention, signed in London on 4th January, 1923.

Article 2.

The present Decree Law, which will be presented to Parliament for conversion into Law, will come into force on the day on which the exchange of ratifications of the Convention in question takes place.

59578

No. 208.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 574.)

MY LORD,

Downing Street, 12th December, 1923.

WITH reference to my despatch No. 546 of the 14th of November,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a despatch from His Majesty's Ambassador at Rome, relative to the Commercial Treaty between Italy and Canada.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 208.

(No. 1062.)

MY LORD,

Rome, 30th November, 1923.

WITH reference to my despatch No. 959 of 1st November, regarding the Treaty concluded between Italy and the Canadian Government, I have the honour to report that the Bill converting into law the Decree rendering this Treaty executive, was passed by the Chamber of Deputies yesterday after a very short discussion.

I have, &c.,

R. GRAHAM.

The Most Honourable

Marquess Curzon of Kedleston, K.G.,
&c. &c. &c.

* No. 207.

(2) Italo-Greek Crisis, September, 1923.

43694

No. 209.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5 a.m., 3rd September, 1923.)

TELEGRAM.

[Answered by No. 210.]

3RD SEPTEMBER. Following from my Prime Minister:—

Begins: Have cabled to our representative at Geneva in the following terms: Although information available either through the Press or through communication(s) received from British Government very incomplete, it appears clear a situation has arisen between two members of the League of Nations, Italy and Greece, which, unless definite action is taken by the League, will result in war. From some Press cables it would appear that actual hostilities have already been commenced by Italy in breach of her obligations under the Covenant of the League of Nations. In view of the position which has arisen it is imperative that the Australian delegation should take all possible steps to ensure that the terms of the Covenant are adhered to and that the dispute which has arisen should be dealt with in accordance with the provisions of the Covenant. As Australia's senior delegate you must take the earliest possible steps to advise the Assembly that Australia as a member of the nations of the League adhering to the Covenant is prepared to support the League in ensuring that the provisions of the Covenant are carried into effect. I am advising the British Government as to the views of the Commonwealth, but you will, of course, consult representatives of Britain and other Dominions at Geneva. *Ends.*

Cannot urge upon you too strongly the necessity for definite action being taken to ensure that the present dispute is handled by the League of Nations, as public opinion has grown up in Australia in favour of the League, and would emphatically resent fullest support not being given to the League particularly by Britain and

Dominions where a breach of the Covenant has been committed by any nation. *Message ends.*—GOVERNOR-GENERAL.

43694

No. 210.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.50 p.m., 4th September, 1923.)

TELEGRAM.

YOUR telegram of 3rd September.* Following for your Prime Minister:—

Begins: Message which you have sent to Commonwealth representative at League Assembly has been received with great interest here, and we entirely associate ourselves with suggestion made in concluding part of your telegram as you will have seen from instructions to Lord Robert Cecil. *Ends.*

Instructions to Cecil sent to you in my telegram of 3rd September.†—DEVONSHIRE.

* No. 209. † 43448/S: not printed; it contained information as to development in the situation.

JAPAN.

(1) Agreement regarding Loadlines.

(Treaty Series 1924, No. 12.)

14849

No. 211.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 120.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 28th March, 1923.

WITH reference to my predecessor's despatch Dominions No. 38 of the 30th of January, 1922,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a draft Agreement for the Mutual Recognition of Loadline Certificates, which has been submitted for the consideration of the Japanese Government.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 211.

DRAFT AGREEMENT FOR MUTUAL RECOGNITION OF LOADLINE CERTIFICATES.

THE Japanese Government, deeming that, with regard to the loadline, the existing laws and regulations of certain British territories agree in substance with those of Japan, agree that no British ship possessing the loadline certificate issued in accordance with the law in force in any British territory coming within the scope of this agreement, by the competent authorities of the government of that territory, or by a corporation or association for the survey and registry of shipping recognized by the same government, and the corresponding loadline mark, in so far as the same ship observes within ports situated in any Japanese territory coming within the scope of this agreement the laws and regulations relating to the loadline, in accordance with which the certificate was issued, shall be liable to detention or penalty under the laws and regulations of that territory. His Britannic Majesty's Government similarly agree that no Japanese ship possessing the loadline certificate issued in accordance with the law in force in any Japanese territory coming within the scope of this agreement by the competent authorities of the government of that territory, or by a corporation or association for the survey and registry of shipping recognized by the same government, and the corresponding loadline mark, in so far as the same ship observes within ports situated in any British territory coming within the scope of this agreement the laws and regulations relating to the loadline in accordance with which the certificate was issued, shall be liable to detention or penalty under the laws and regulations of that territory.

2. The Japanese territory, coming within the scope of this agreement, shall be held to consist of Japan proper, and all Japanese possessions and all territories under Japanese administration, which have or shall have loadline regulations in force recognized by the Japanese Government as equivalent to those applicable in Japan proper.

The British territory, coming within the scope of this agreement, shall be held to consist of the United Kingdom, India, and those Colonies which have or shall have loadline regulations recognized by an Order of His Majesty in Council as equivalent to those applicable in the United Kingdom; but shall not be held to include the Dominion of Canada, the Commonwealth of Australia (including Papua and Norfolk Island), the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland.

3. The present agreement shall come into effect on the date of signature, and shall remain in force for an indefinite period, subject to the right of either of the contracting parties to terminate it, either as a whole, or separately, as regards any part of their territories to which it is or may be made applicable under the stipulations of Article 2, at any time, on giving six months' notice to that effect.

* No. 161 in Dominions No. 87.

(2) Agreement regarding Tonnage Measurement.

(Treaty Series 1923, No. 1.)

5220

No. 212.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Canada.	} Dominions No. 48.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	
(Confidential.)	

[My LORD,] [SIR,]

Downing Street, 12th February, 1923.

WITH reference to Mr. (now Viscount) Long's Confidential despatch of the 26th of July, 1918,* and to connected correspondence, I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of the Anglo-Japanese Tonnage Measurement Agreement, which was signed on the 30th of November, 1922, together with copies of Notes exchanged with the Japanese Ambassador.†

2. It is proposed shortly to publish the documents in the Treaty Series.

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 212.

Agreement.

His Britannic Majesty's Government and the Imperial Japanese Government have agreed as follows:—

The Japanese Government, in view of the fact that the existing laws and regulations of Great Britain in regard to measurement of tonnage of merchant ships are in substantial agreement with those of Japan, HEREBY SIGNIFY their readiness that they will deem the British ships, whose certificates of registry and other national papers duly issued by the competent British authorities are dated on or after the 1st January, 1895, to be of the tonnage denoted in the said documents and exempt such ships from being remeasured in any port or place within the Japanese territory or in localities under the control of Japan, on condition that His Britannic Majesty's Government will engage that similar treatment shall be accorded to ships which have their ports of registry either in the territories of Japan or in other localities under the control of Japan and which are equipped with certificates of registry or other national papers duly issued by the competent Japanese authorities on or after the 1st October, 1914, or which, not having been remeasured in accordance with the Regulations of 1914, are equipped with certificates of registry or other national papers duly issued by the competent Japanese authorities in accordance with the Regulations of 1884 and that such ships shall be exempted from being remeasured in any place within His Britannic Majesty's Dominions or under His Britannic Majesty's protection or control.

Either of the contracting Governments may, on giving to the other twelve months' notice to that effect, terminate this agreement either as a whole or separately in respect of any of the following parts of His Britannic Majesty's Dominions, viz., the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, Newfoundland and His Majesty's Indian Empire.

In the event of the agreement being terminated in respect of any such part of His Britannic Majesty's Dominions the agreement shall cease to apply to British ships registered therein.

In witness whereof the Undersigned have signed the present agreement and have affixed thereto their seals.

Done at London, the 30th day of November, 1922.

* No. 148 in Dominions No. 81.

† Note from Japanese Ambassador not printed.

Enclosure 2 in No. 212.

SIR,

Foreign Office, S.W.1, 30th November, 1922.

WITH reference to the agreement which is being signed this day on behalf of the British and Japanese Governments in regard to the measurement of tonnage of merchant ships, I desire to place on record the fact that this agreement is made with the consent of the self-governing Dominions and India.

2. It is understood, with regard to the last two clauses of the agreement, providing for the power of separate termination in respect of the self-governing Dominions and India, that, while this power can equally be exercised by His Majesty's Government in respect of the Irish Free State at any time after its constitution, it shall be otherwise only applicable to those parts of His Majesty's Dominions which are specified in these clauses.

I have, &c.,

CURZON OF KEDLESTON.

Monsieur I. Tokugawa, &c., &c., &c.

38882

No. 213.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 302.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[My LORD,] [SIR,]

Downing Street, 11th August, 1923.

WITH reference to my despatch Dominions No. 77 of the 9th of March,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, the accompanying copies of notes exchanged with the Japanese Ambassador, regarding the Anglo-Japanese Tonnage Measurement Agreement of the 30th of November, 1922.

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 213.

(No. 60.)

My LORD MARQUESS,

Japanese Embassy, London, 8th May, 1923.

WITH reference to the Anglo-Japanese Tonnage Measurement Agreement which was concluded on the 30th November last, I have the honour to inform Your Lordship under instructions from the Minister for Foreign Affairs that the Japanese Government are desirous of exchanging notes between the Governments, who are parties to the Agreement, by which the two Governments shall enter into a mutual engagement that, on the one hand, the British Government will not abrogate, without giving at least three months' previous notice of such intention to the Japanese Government, the Japanese Tonnage Order, 1923, enacted on the 12th February last, in consequence of the conclusion of the Agreement above alluded to, and for the purpose of putting in operation the provisions of that Agreement within British territory, and on the other hand, the Japanese Government will not abrogate, without a similar notification to the British Government, the Ordinance of the Ministry of Communications shortly to be issued in order to carry into effect within Japanese territory the provisions of that Agreement.

I have, &c.,

HAYASHI.

The Most Honourable

The Marquess Curzon of Kedleston, K.G., G.C.S.I., G.C.I.E.,
Secretary of State for Foreign Affairs.

* No. 9751: not printed; it enclosed a copy of Treaty Series No. 1 of 1923.

Enclosure 2 in No. 213.

YOUR EXCELLENCY, Foreign Office, S.W.1, 13th June, 1923.
 WITH reference to Your Excellency's Note No. 60 of 8th May last, I have the honour to inform you that His Majesty's Government are prepared to concur in the proposal contained therein, regarding the Anglo-Japanese Tonnage Measurement Agreement of 30th November, 1922.

2. It is understood that the two Governments shall shortly proceed, by an exchange of notes, to enter into a mutual engagement that, on the one hand, the British Government will not abrogate, without giving at least three months' previous notice of such intention to the Japanese Government, the Japanese Tonnage Order, 1923, enacted on the 12th February last; and that, on the other hand, the Japanese Government will not abrogate without a similar notification to the British Government, the Ordinance of the Ministry of Communications shortly to be issued in order to carry into effect within Japanese territory the provisions of the above-mentioned Agreement.

I have, &c.,
 (For the Secretary of State),
 VICTOR WELLESLEY.

His Excellency
 Baron Gonsuke Hayashi, G.C.V.O.,
 &c., &c., &c.

Enclosure 3 in No. 213.

(No. 76.)

MY LORD MARQUESS, Japanese Embassy, London, 15th June, 1923.
 WITH reference to my Note No. 60 of the 8th ultimo, relative to the Anglo-Japanese Tonnage Measurement Agreement, I have the honour to inform Your Lordship under instructions from the Minister for Foreign Affairs, that the Ordinance of the Ministry of Communications mentioned in my note above referred to, was issued together with an accompanying notice, on the 8th instant, by virtue of which the provisions of the Anglo-Japanese Tonnage Measurement Agreement will come into operation within Japan Proper on the 20th instant, and that similar Ordinances are also in the course of issue, by which the provisions of that Agreement will be put in operation on the 20th instant in Chosen, Formosa, the leased territory of Kwantung, and in other localities under the control of Japan.

I have, &c.,
 HAYASHI.

The Most Honourable
 The Marquess Curzon of Kedleston, K.G., G.C.S.I., G.C.I.E.,
 &c., &c., &c.,
 Secretary of State for Foreign Affairs.

(No. 92.)

Enclosure 4 in No. 213.

MY LORD MARQUESS, Japanese Embassy, London, 27th July, 1923.
 I HAVE the honour to inform Your Lordship under instructions from the Minister for Foreign Affairs that the Japanese Government will not abrogate, without notifying to the British Government the intention of so doing at least three months previous to the date of abrogation, the Ordinances mentioned below which have been enacted in order to carry into effect within Japanese territory and in localities under the control of Japan the provisions of the Anglo-Japanese

Tonnage Measurement Agreement concluded on the 30th November, 1922, provided that the British Government will not abrogate, without a similar previous notification to the Japanese Government, the Japanese Tonnage Order, 1923.

- (1) The Ordinance No. 52, 1923, of the Ministry of Communications.
- (2) The Ordinance No. 54, 1923, of the Government-General of Formosa.
- (3) The Ordinance No. 87, 1923, of the Government-General of Chosen.
- (4) The Ordinance No. 29, 1923, of the Government of Kwantung.

I have, &c.,
 HAYASHI.

The Most Honourable
 The Marquess Curzon of Kedleston, K.G., G.C.S.I., G.C.I.E.,
 Secretary of State for Foreign Affairs.

Enclosure 5 in No. 213.

YOUR EXCELLENCY, Foreign Office, S.W.1, 27th July, 1923.
 WITH reference to Your Excellency's Note of to-day's date, I have the honour to inform you that His Majesty's Government will not abrogate, without giving at least three months' previous notice of such intention to the Japanese Government, the Japanese Tonnage Order, 1923, enacted on the 12th February, 1923, in consequence of the conclusion of the Anglo-Japanese Tonnage Measurement Agreement signed at London, 30th November, 1922, and for the purpose of carrying into effect the provisions of that Agreement in any place within His Majesty's Dominions or under His Britannic Majesty's protection or control, provided that the Japanese Government will not abrogate without a similar previous notification to the British Government the following Ordinances:—

- (1) The Ordinance No. 52, 1923, of the Ministry of Communications.
- (2) The Ordinance No. 54, 1923, of the Government-General of Formosa.
- (3) The Ordinance No. 87, 1923, of the Government-General of Chosen.
- (4) The Ordinance No. 29, 1923, of the Government of Kwantung.

I have, &c.,
 CURZON OF KEDLESTON.

His Excellency
 Baron Gonsuke Hayashi, G.C.V.O.,
 &c., &c., &c.

LATVIA.
 Commercial Treaty.
 (Treaty Series 1923, No. 30.)

32272

No. 214.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by No. 216.]

(Canada.	} Dominions No. 245.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	
(Irish Free State. No. 413.)	

[MY LORD.] [SIR,] Downing Street, 7th July, 1923.
 I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, the accompanying copies of an extract* from the *Board of Trade Journal* of the 28th of June, containing the text of a Treaty of Commerce and Navigation between the United Kingdom and Latvia recently signed in London.

I have, &c.,
 DEVONSHIRE.

* Not reprinted; for the text of the Treaty see Treaty Series 1923, No. 30.

54046

No. 215.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(Irish Free State. No. 650.)

Dominions No. 415.)

[MY LORD,] [SIR,]

Downing Street, 13th November, 1923.

WITH reference to my despatch [Dominions No. 245 of the 7th of July,*] [No. 413 of the 13th of July,*] I have the honour to request [Your Excellency,] [Your Royal Highness,] [you,] to inform your Ministers that the instruments of ratification of the Anglo-Latvian Treaty of Commerce and Navigation, signed at London on the 22nd of June, 1923, were exchanged with the Latvian Minister in London on the 5th of November.

[To Irish Free State only: 2. Similar despatches are being sent to the other self-governing Dominions.]

I have, &c.,

DEVONSHIRE.

62917

No. 216.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 31st December, 1923.)

(No. 367.)

MY LORD DUKE, Governor-General's Office, Melbourne, 19th November, 1923.

WITH reference to your despatch dated 7th July, 1923, Dominions No. 245,* covering copies of an extract from the *Board of Trade Journal* of 28th June, 1923, containing the text of a Treaty of Commerce and Navigation between the United Kingdom and Latvia, I have the honour, at the instance of my Acting Prime Minister, to inform Your Grace that it is not considered desirable that the Commonwealth Government should adhere to the Treaty.

I have, &c.,

FORSTER,

Governor-General.

LEAGUE OF NATIONS.

(1) Ratification of Amendments to Covenant.

(Treaty Series 1923, No. 4, and 1924, No. 4.)

4121

No. 217.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 15.)

SIR,

Downing Street, 25th January, 1923.

WITH reference to my predecessor's despatch No. 86 of the 19th of June, 1922,† I have the honour to request you to inform your Ministers that His Majesty's ratification of the Protocol drawn up at Geneva on 5th October, 1921, with regard to an amendment to the last paragraph of Article 6 of the Covenant of the League of Nations, was deposited on the 23rd of November last.

* No. 214. † No. 175 in Dominions No. 87.

2. The Protocol embodied the Resolution adopted by the Assembly on the 5th of October, 1921, that the last paragraph of Article 6 of the Covenant should be replaced by the following:—

"The expenses of the League shall be borne by the Members of the League in the proportion decided by the Assembly."

I have, &c.,

DEVONSHIRE.

9835

No. 218.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 43.)

SIR,

Downing Street, 9th March, 1923.

WITH reference to my despatch No. 15 of the 25th of January,* I have the honour to request you to inform your Ministers that His Majesty's ratification of the Protocols drawn up at Geneva on the 5th of October, 1921, with regard to amendments to Articles 4, 13, 15 and 26 of the Covenant of the League of Nations, was deposited on the 3rd of February. A copy of the letter from the Secretary-General of the League notifying the deposit, is enclosed.

2. The amendments are as follows:—

Article 4.—The following paragraph is inserted between paragraphs 2 and 3 of the Article: "The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent Members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility."

Article 13 as amended reads: "The Members of the League agree that, whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration or *judicial settlement* and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration or *judicial settlement*."

"Disputes as to the interpretation of a Treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration or *judicial settlement*."

"For the consideration of any such dispute, the court to which the case is referred shall be the Permanent Court of International Justice, established in accordance with Article 14, or any tribunal agreed on by the parties to the dispute, or stipulated in any convention existing between them."

"The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award or decision, the Council shall propose what steps should be taken to give effect thereto."

Article 15. The first paragraph of Article 15 shall read as follows: "If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration or *judicial settlement* in accordance with Article 13, the Members of the League agree that they will submit the matters to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof."

Article 26. (a) The first paragraph of Article 26 of the Covenant shall be replaced by the following text: "Amendments to the present Covenant, the text of which shall have been voted by the Assembly on a three-fourths majority, in which there shall be included the votes of all the Members of the Council represented at the meeting, will take effect when ratified by the Members of the League whose Representatives composed the Council when the vote was taken and by the majority of those whose Representatives form the Assembly."

* No. 217.

(b) A paragraph reading as follows shall be added after the first paragraph of Article 26: "If the required number of ratifications shall not have been obtained within twenty-two months after the vote of the Assembly, the proposed amendment shall remain without effect."

(c) The second paragraph of the present Article 26 shall be replaced by the two following paragraphs: "The Secretary-General shall inform the Members of the taking effect of an amendment."

Any Member of the League which has not at that time ratified the amendment, is free to notify the Secretary-General within a year of its refusal to accept it, but in that case, it shall cease to be a Member of the League."

I have, &c.,
DEVONSHIRE.

Enclosure in No. 218.

C.L. 7. 1923. V.

LEAGUE OF NATIONS.

PROTOCOLS CONCERNING AMENDMENTS TO ARTICLES 4, 13, 15 AND 26 OF THE COVENANT.

Ratification by the British Empire.

Geneva, 1923.

I HAVE the honour to inform you that the Honourable Under-Secretary of State for Foreign Affairs of His Britannic Majesty has transmitted to me His Majesty's ratification of the Protocols drawn up at Geneva on 5th October, 1921, with regard to amendments to Articles 4, 13, 15 and 26 of the Covenant (C.L. 100 1921 V., Annexes 1, 6, 7, 12, 13 and 14).

This ratification has been given on behalf of the British Empire, including the Dominion of Canada, the Commonwealth of Australia, the Union of South Africa, the Dominion of New Zealand, and India.

His Britannic Majesty's instrument of ratification was deposited with the Secretariat on 3rd February, 1923.

I have, &c.,
For the Secretary-General.
Director of the Legal Section.

36223

No. 219.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 87.)

SIR, Downing Street, 26th July, 1923.

WITH reference to my despatch No. 43, of the 9th March,* I have the honour to request you to inform your Ministers that His Majesty's ratification of the Protocol drawn up at Geneva on the 5th October, 1921, embodying an amendment of Article 12 of the Covenant of the League of Nations, was deposited on the 5th July.

2. The Article as amended, now reads as follows:—"The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to inquiry by the Council, and they agree in no case to resort to war, until three months after the award by the arbitrators or the judicial decision, or the report by the Council."

In any case, under this Article, the award of the arbitrators or the judicial decision shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute."

I have, &c.,
DEVONSHIRE.

(2) Proposed Amendment of Article 10.

Note.—Article 10 of the Covenant of the League of Nations reads as follows:—

"The Members of the League agree to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled."

In 1921 Canada proposed that this Article should be deleted. The Assembly of 1921 decided to adjourn the discussion of the question until the next year. At the Assembly of 1922, the Canadian Delegates proposed that the Article should not be deleted but should be amended by adding the words "taking into account the political and geographical circumstances of each State," and also adding the following paragraph:—

"The opinion given by the Council in such cases shall be regarded as a matter of the highest importance and shall be taken into consideration by all Members of the League, which shall use their utmost endeavours to conform to the conclusions of the Council, but no Member shall be under the obligation to engage in any act of war without the consent of its Parliament, Legislature or other representative body."

The Assembly of 1922 again decided to adjourn a decision on the proposal, and in a letter of the 22nd February, 1923, the Secretary-General of the League asked the various Members for their observations on the matter. The following correspondence with the Dominions then took place.

21287

No. 220.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 4.55 p.m., 18th May, 1923.)

TELEGRAM.

[Answered by Nos. 221, 222, 223 and 224.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

18TH MAY. His Majesty's Government are examining questions raised by letter from Secretary-General, League of Nations, 22nd February,* as to proposed amendment of Article 10 of Covenant; but, in view of important issues involved, they would prefer to postpone definite reply pending consultation with Dominion Governments. Suggested that most convenient course would be that matter should be discussed in London with representatives of Dominions during the summer before opening of Assembly. Do your Ministers concur in suggestion and, if so, whom would they nominate to attend discussion. Similar telegram sent to other Dominions.—DEVONSHIRE.

27313

No. 221.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.50 p.m., 30th May, 1923.)

TELEGRAM.

30TH MAY. Your telegram of 18th May.† Proposed amendment to Article 10 of the Covenant League of Nations. In the event of the suggested meeting being held, Union Government will nominate High Commissioner in London to attend on behalf of South Africa.

They ask to be given as long notice of meeting as possible, in order that necessary instructions may be conveyed to their representative.—ARTHUR FREDERICK.

27652

No. 222.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.12 a.m., 2nd June, 1923.)

TELEGRAM.

2ND JUNE. Your telegram of 18th May.* Article 10 of Covenant. Commonwealth Government concur in suggestion and nominate High Commissioner for Australia to attend discussion.—GOVERNOR-GENERAL.

28728

No. 223.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.13 a.m., 8th June, 1923.)

TELEGRAM.

8TH JUNE. Your telegram of 18th May.* Article 10 of the Covenant League of Nations. My Ministers concur in suggestion and nominate High Commissioner to attend the discussions on behalf of New Zealand.—JELlicoe.

30123

No. 224.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.50 a.m., 16th June, 1923.)

TELEGRAM.

15TH JUNE. Your telegram of 18th May.* Canadian Government concurs in your suggestion that it would be convenient that the question of the proposed amendment of Article 10 of the Covenant of the League of Nations should be discussed at preliminary meeting before the matter is considered by the Assembly of the League of Nations, and to that end, Prime Minister will ask the members of the Canadian Government who will represent the Dominion of Canada at Geneva to meet in London a few days before the opening of the Assembly of the League of Nations for that purpose. It is probable that Canada will be represented at the meeting of the Assembly of the League of Nations by the Honourable Sir Lomer Gouin, Minister of Justice, and the Honourable George Graham, Minister of Railways and Canals.—BYNG.

41682

No. 225.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.5 p.m., 20th August, 1923.)

TELEGRAM.

20TH AUGUST. Your telegram of 10th August.† Proposed discussion of Article 10 League of Nations. As Canadian delegates do not leave Canada until 25th August they will be unable to take part in the discussion on the date indicated.—BYNG.

* No. 220. † 39380: not printed; it intimated that it was proposed that the discussion should take place on the 27th August.

Note.—At the Assembly of 1923, the First Committee proposed the adoption of the following interpretative resolution:—

"The Assembly, desirous of defining the scope of the obligations contained in Article 10 of the Covenant so far as regards the points raised by the Delegation of Canada, adopts the following resolution:—

It is in conformity with the spirit of Article 10 that, in the event of the Council considering it to be its duty to recommend the application of military measures in consequence of an aggression or danger or threat of aggression, the Council shall be bound to take account, more particularly, of the geographical situation and of the special conditions of each State.

It is for the constitutional authorities of each Member to decide, in reference to the obligation of preserving the independence and the integrity of the territory of Members, in what degree the Member is bound to assure the execution of this obligation by employment of its military forces.

The recommendation made by the Council shall be regarded as being of the highest importance and shall be taken into consideration by all the Members of the League with the desire to execute their engagements in good faith."

When the Resolution came before the Assembly, 29 States voted in favour of and one against the Resolution, while 13 abstained from voting. The President declared that, as unanimity had not been obtained, he was unable to declare the Resolution adopted, but that he would not declare the motion rejected, and accordingly he declared it not adopted. It was decided that the result of the voting should be communicated to the Council.

(3) Amendment of Article 16.

(Treaty Series 1924, No. 32.)

20575

No. 226.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 11.55 p.m., 27th April, 1923.)

TELEGRAM.

[Answered by Nos. 227, 228 and 230.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

27TH APRIL. My despatch 10th May, 1922, Confidential, Dominions Treaty 17,* my telegram 8th March, 1922.† Proposed that protocols embodying second, third and fourth amendments to Article 16, Covenant League of Nations, should now be signed on behalf of His Majesty's Government, and that protocols so signed should be ratified by His Majesty in due course. Would your Ministers agree to signature and ratification of these protocols on their behalf, and, if so, whom do they nominate to sign? Early decision desirable, as it is possible that when second amendment to Article 26, dealing with amendments to Covenant, comes into force, it may be regarded as having retrospective effect, in which case amendments now in question would lapse unless brought into force by 4th August next. Not proposed to sign or ratify protocol embodying first amendment Article 16. Modification of its terms has been discussed with French Government, and I hope to be able to telegraph further shortly.—DEVONSHIRE.

* No. 177 in Dominions No. 87.

† No. 169 in Dominions No. 87.

24566

No. 227.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.35 p.m., 14th May, 1923.)

TELEGRAM.

14TH MAY. Your telegram of 27th April.* Ministers agree to signature of protocols embodying second, third, and fourth amendments to Article 16 of Covenant of League of Nations and have instructed High Commissioner for Union of South Africa in London to sign on behalf of the Union.—ARTHUR FREDERICK.

24597

No. 228.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.31 a.m., 15th May, 1923.)

TELEGRAM.

15TH MAY. Confidential. Your telegram of 27th April.* Amendment of Article 16 of Covenant of League of Nations. Commonwealth Government agrees to signature and ratification of protocols embodying second, third, and fourth amendments and nominates British representative on Council of the League to sign on its behalf.—GOVERNOR-GENERAL.

20575

No. 229.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.50 p.m., 15th May, 1923.)

TELEGRAM.

My telegram 27th April,* amendments to Article 16 Covenant League of Nations. Suggestion contained in your telegram 6th September† has been noted with a view to point being raised at next Assembly if second, third, and fourth amendments have then come into effect.—DEVONSHIRE.

24746

No. 230.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.15 a.m., 16th May, 1923.)

TELEGRAM.

16TH MAY. Your telegram of 27th April.* New Zealand Government agrees to signature and ratification of the protocols embodying the second, third, and fourth amendments and nominates Sir James Allen to sign on its behalf.—JELlicoe.

33907

No. 231.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada
(Commonwealth of Australia
(New Zealand
(Union of South Africa

Dominions Treaty. No. 26.)

[MY LORD,] [SIR,]

Downing Street, 23rd July, 1923.

WITH reference to my telegram of the 27th April,* and previous correspondence, I have the honour to request [Your Excellency,] [Your Royal Highness,] to inform your Ministers that His Majesty's Government have given

* No. 226.

† No. 182 in Dominions No. 87.

further consideration to the question of the ratification of the Protocols embodying the amendments to Article 16 of the Covenant of the League of Nations, passed by the Second Assembly.

2. The division of the amendments to Article 16 into four separate Protocols appears to be unfortunate owing to the confusion which would arise in the event of the Protocols, as might easily happen, not entering into force simultaneously. It might in such an event be almost impossible to decide what were the precise contractual relations under the Article at any given moment between any two given members of the League. His Majesty's Government, therefore, consider that it would be desirable to incorporate all the amendments to Article 16 into one ratification in order that, so far as the British Empire is concerned, the arrangement may be made as simple as is possible in the circumstances.

3. As a result of the recent negotiations with the French Government regarding the text of the first part of Article 16, it will be necessary to propose a new amendment at the next Assembly. It would seem desirable to take the opportunity at the same time to obtain the elimination of the words "in such case" in the present second paragraph of the Article, which will eventually become paragraph 5. The necessity for the omission of these words in the event of the adoption of the second, third, and fourth amendments seems not to have been properly considered by the Second Assembly.

[To Australia only: In this connexion, I would invite reference to your telegram of the 6th September, 1922,* and to my telegram of the 15th May.†]

4. For the reasons already indicated, His Majesty's Government consider that it will be best to defer ratification of any of the amendments until after the next Assembly, which will, it may be hoped, adopt the new amendment referred to in the preceding paragraph. There could then be a single ratification by His Majesty covering all the changes in the Article. It is realized that the delay may involve difficulties owing to the time limit proposed in the amendment to Article 26 of the Covenant, which may enter into force before the amendments to Article 16 have been ratified, but His Majesty's Government consider it preferable in the circumstances to risk this contingency.

I have, &c.,

DEVONSHIRE.

38108

No. 232.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.40 p.m., 2nd August, 1923.)

TELEGRAM.

[Answered by Nos. 234 and 235.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

2ND AUGUST. My telegram 27th April‡ amendments Article 16 Covenant League of Nations. French Government now prepared to accept text of paragraph 1 revised to read after "financial relations" as follows: "and to prohibit all intercourse, even if not between their nationals and the nationals of the Covenant-breaking State at least between persons resident within their territories and persons resident within the territory of the Covenant-breaking State and to prevent all financial, commercial or personal intercourse, even if not between the nationals of the Covenant-breaking State and the nationals of any other State whether a member of the League or not, at least between persons resident within the territory of that State and persons resident within the territory of any other State whether a member of the League or not." His Majesty's Government prepared to recommend this text and would be glad if your Ministers would consider it with a view to it being supported if possible by all British members of League at forthcoming Assembly. Despatch follows by mail. §—SECRETARY OF STATE FOR THE COLONIES.

* No. 182 in Dominions No. 87. † No. 229. ‡ No. 226. § No. 38108: not printed; it enclosed a copy of a memorandum circulated to the Cabinet setting out the history of the matter.

38119

No. 233.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 2.30 p.m., 8th August, 1923.)

TELEGRAM.

8TH AUGUST. Should be grateful for an early reply to my telegram 27th April,* Article 16 Covenant League of Nations. Other Dominions have expressed agreement, and question of signature of protocols referred to not affected by proposals in my despatch of 23rd July, Treaty 26.†

40107

No. 234.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.47 a.m., 11th August, 1923.)

TELEGRAM.

11TH AUGUST. Amendment of paragraph 1, Article 16 of the Covenant League of Nations. New Zealand Government concurs in amended text as recited in your telegram of 2nd August.‡—JELICOE.

40750

No. 235.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.5 a.m., 15th August, 1923.)

TELEGRAM.

15TH AUGUST. Your telegram 2nd August.‡ Amendment of Article 16 of Covenant. Australian delegation has been instructed to support text quoted therein.—GOVERNOR-GENERAL.

38108

No. 236.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

SIR, Downing Street, 20th August, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a memorandum§ circulated by the Secretary of State for Foreign Affairs regarding the proposed amendment of the first paragraph of Article 16 of the Covenant of the League of Nations. His Majesty's Government are prepared to recommend the adoption of the text contained in Annex 1 to the memorandum, and the Dominion Members of the League have been invited to consider it, with a view to its being supported, if possible, by their Delegates as well as by the Delegates from this country at the forthcoming meeting of the Assembly.

2. I also enclose a copy of the Report of the Inter-Departmental Committee mentioned in the enclosed memorandum, which was appointed in 1922 to consider the amendments to Article 16 of the Covenant adopted by the Second Assembly in 1921. It is intended that the protocols embodying the second, third and fourth of these amendments (which are quoted in paragraph 2 (2), (3) and (4) of the Committee's Report) should be ratified by His Majesty after signature on behalf of this country and of the Dominion Members of the League and India.

* No. 226. † No. 231. ‡ No. 232. § Not printed: see Note§ to No. 232. || See enclosure in No. 177 in Dominions No. 87.

3. It will be necessary to propose at the forthcoming Assembly that, in the event of the amendments referred to in the previous paragraph coming into effect, the words "in such case" in the present second paragraph of Article 16 (which will eventually become the fifth paragraph) should be eliminated. The necessity for the omission of these words in the event of the amendments in question being finally adopted seems not to have been properly considered by the Second Assembly.

4. Should the amendments referred to in paragraphs 1 and 3 be adopted at the Fourth Assembly it is contemplated that there should be one ratification by His Majesty covering (a) these two amendments (b) the three amendments referred to in paragraph 2 adopted by the Second Assembly.

I have, &c.,

DEVONSHIRE.

Note.—The proposals referred to in No. 232 and paragraph 3 of No. 231 were put forward by the Delegates of His Majesty's Government at the Assembly of the League of Nations (see League of Nations paper A.26.1923.V of the 10th August, 1923). The Assembly decided to defer discussion of the proposals until the Fifth Assembly (see League of Nations paper A.86.1923.V of the 19th September and A.92.1923 of the 22nd September, 1923). The following correspondence took place as a result of this decision.

53596

No. 237.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 2.20 p.m., 12th November, 1923.)

TELEGRAM.

[Answered by No. 240.]

12TH NOVEMBER. My despatch 23rd July, Dominions Treaty 26,* Article 16 Covenant League of Nations. In consequence of Assembly discussions referred to League of Nations papers A 86 and A 92, Secretary of State for Foreign Affairs thinks best course will be for all four amendments adopted by 1921 Assembly to be ratified by His Majesty as soon as possible. Amendments have been signed by High Commissioner on behalf of Union of South Africa. Do your Ministers agree to ratification on their behalf?—DEVONSHIRE.

53596

No. 238.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 2.25 p.m., 12th November, 1923.)

TELEGRAM.

[Answered by Nos. 239, 241 and 243.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)

[To Canada only: 12th November. My telegram 8th August,†]

[To Australia and New Zealand only: My despatch 23rd July, Dominions Treaty 26,*]

Article 16, Covenant League of Nations. In consequence of Assembly discussions referred to League of Nations papers A 86 and A 92, Secretary of State for Foreign Affairs thinks best course will be for all four amendments adopted by 1921 Assembly to be ratified by His Majesty as soon as possible. Would your Ministers agree to signature and ratification of [To Canada only: protocols embodying amendments] [To Australia and New Zealand only: protocol embodying first amendment] on their behalf, and if so whom do they nominate to sign?—DEVONSHIRE.

* No. 231. † No. 233.

55326

No. 239.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.35 a.m., 16th November, 1923.)

TELEGRAM.

16TH NOVEMBER. Your telegram of 12th November,* Article 16 of the Covenant of the League of Nations.

New Zealand Government agrees to ratification of all four amendments adopted by 1921 Assembly and to signature and ratification of the protocol embodying the first amendment. Ministers nominate the High Commissioner to sign on their behalf.—GOVERNOR-GENERAL.

56260

No. 240.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.18 p.m., 21st November, 1923.)

TELEGRAM.

21ST NOVEMBER. Your telegram 12th November,† Amendment of Article 16. Covenant of League of Nations. Ministers agree to ratification.—ARTHUR FREDERICK.

56352

No. 241.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.10 p.m., 21st November, 1923.)

TELEGRAM.

21ST NOVEMBER. Your telegram of 12th November.* Article 16 of the Covenant League of Nations. Canadian Government agrees to signature and ratification of Protocols on behalf of Canada, and nominates Mr. Pacaud, Secretary, Office of High Commissioner for Canada, to sign. Despatch follows by mail.—BYNG.

53596

No. 242.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR, Downing Street, 3rd December, 1923.
WITH reference to my Confidential despatch of the 20th August,‡ regarding the amendments to Article 16 of the Covenant of the League of Nations, I have the honour to request Your Excellency to inform your Ministers that, in consequence of the discussions at the Assembly of the League referred to in League of Nations papers A 86 and A 92, the Secretary of State for Foreign Affairs considers that the best course will now be for all the four amendments adopted by the 1921 Assembly to be ratified by His Majesty as soon as possible.

* No. 238. † No. 237. ‡ No. 236.

2. I should be glad to learn whether your Ministers would agree to the signature and ratification of the protocols embodying these amendments on their behalf, and, if so, whom they would nominate to sign.

3. Similar inquiries have been made of the Governments of the other Dominions Members of the League as to their wishes in the matter.

I have, &c.,

DEVONSHIRE.

59401

No. 243.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.15 a.m., 6th December, 1923.)

TELEGRAM.

6TH DECEMBER. Your telegram 12th November,* Article 16, Covenant League of Nations. Commonwealth Government agrees to signature and ratification of Protocol embodying first amendment, and nominates British representative on Council of League to sign on behalf of the Commonwealth.—GOVERNOR-GENERAL.

(4) Reduction of Armaments.—Proposed Treaty of Mutual Guarantee.

Note.—The Third Assembly of the League of Nations in September, 1922, adopted the following resolutions:—

"(1) No scheme for the reduction of armaments, within the meaning of Article 8 of the Covenant, can be fully successful unless it is general.

(2) In the present state of the world, many Governments would be unable to accept the responsibility for a serious reduction of armaments unless they received in exchange a satisfactory guarantee for the safety of their countries.

(3) Such a guarantee can be found in a defensive agreement which should be open to all countries, binding them to provide immediate and effective assistance in accordance with a pre-arranged plan in the event of one of them being attacked, provided that the obligation to render assistance to a country attacked, shall be limited in principle to those countries situated in the same part of the globe. In cases, however, where, for historical, geographical or other reasons, a country is in special danger of attack, detailed arrangements should be made for its defence in accordance with the above-mentioned plan.

(4) As a general reduction of armaments is the object of the preceding resolutions, and the Treaty of Mutual Guarantee the means of achieving that object, previous consent to this reduction is therefore the first condition of the Treaty.

This reduction could be carried out either by means of a general Treaty, which is the most desirable plan, or by means of partial Treaties designed to be extended and open to all countries.

In the former case, the Treaty will carry with it a general reduction of armaments. In the latter case, the reduction should be proportionate to the guarantees afforded by the Treaty.

The Council of the League, after having taken the advice of the Temporary Mixed Commission, which will examine how each of these two systems could be carried out, will further formulate the plan on which the Governments will be invited to express their views and to give an independent decision for the machinery, at the same time political and military, necessary to bring them clearly into effect."

These proposals were referred by the Council of the League to the various members, and a draft Treaty prepared by Lord Robert Cecil was considered by the Permanent Advisory Commission to the League in April, 1923, when the following telegrams were addressed to the Dominions.

* No. 238.

18855

No. 244.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.0 p.m., 14th April, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

14TH APRIL. Secret. As will be seen from letter from Secretary-General, League of Nations (C.L. 167, M. 92),* 19th February, Temporary Mixed Commission has referred to Permanent Advisory Commission, which meets 16th April, question of Treaty of Mutual Guarantee with particular reference to a draft Treaty prepared by Lord Robert Cecil. In view of important questions of policy involved, British representatives on Permanent Commission are being instructed, while leaving initiative as far as possible to representatives of other nations, to decline to deal with political issues and attempt to confine discussion to elucidation of certain practical difficulties pointed out by technical staffs here.

Text of Lord Robert Cecil's draft not yet circulated to Members of the League, but Council at forthcoming meeting will consider recommendation of Temporary Mixed Commission that draft should be referred to Members with request for observations.—DEVONSHIRE.

23642

No. 245.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.55 p.m., 23rd May, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

23RD MAY. Secret. My telegram 14th April.† Permanent Advisory Commission were unanimously of opinion that from technical point of view, draft Treaty of Mutual Guarantee did not constitute solid basis for limitation of armaments. Letter from President of Council (C.L. 119),‡ 23rd October, on general question of Treaty of Mutual Guarantee is at present being examined here in light of Report of Advisory Commission.—DEVONSHIRE.

Note.—The question was considered by the Committee of Imperial Defence on more than one occasion, but no reply had been returned to the League on behalf of His Majesty's Government when the Fourth Assembly met in September, 1923. The Assembly prepared a revised draft Treaty which it asked the Council to submit to the various members for consideration. No decision on the matter had been taken by His Majesty's Government at the close of 1923.

(5) Protocol concerning Arbitration Clauses in Commercial Contracts.
(Treaty Series 1925, No. 4.)

54284

No. 246.

THE SECRETARY OF STATE to THE GOVERNORS.

(Newfoundland. No. 129.)
(Southern Rhodesia. No. 53.)

SIR,

Downing Street, 16th November, 1923.

I HAVE the honour to transmit to you, for the information of your Ministers, a copy of a letter (CL 109) from the Secretary-General of the League of Nations forwarding a copy of a Protocol concerning Arbitration Clauses in Commercial Contracts, which was opened for signature at Geneva on the 24th of September.

* Not reproduced; see Note on page 145 as to its contents. † No. 244. ‡ Not reproduced: it asked for observations on the Resolution of the Third Assembly quoted on page 145.

271

2. It will be observed that in signing Lord Robert Cecil made a declaration that his signature applied only to Great Britain and Northern Ireland.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 246.

LEAGUE OF NATIONS.

(C.L. 109. 1923. XI.)

Geneva, 3rd November, 1923.

In my Circular Letter No. 56, of 26th May, 1923, I had the honour to forward the text of a Draft Protocol dealing with arbitration clauses in commercial contracts and to inform you that, in accordance with the Council's decision dated 18th April, 1923, a proposal would be laid before the Fourth Assembly to the effect that the Protocol in question should be open for signature by all States desiring to adhere to it.

On 24th September, 1923, the Assembly adopted the following resolution:—

"The Assembly:

"Realizing the desirability and urgency of assuring by an international agreement a more general recognition of the validity of the arbitration agreement, whether referring to present or future differences, which is designed to regulate, by means of arbitration, differences that may arise in connexion with contracts, and specially with commercial contracts, concluded between persons subject to the jurisdiction of different States;

"Recognizing the great importance which commercial circles attach to the prompt settlement of this question;

"Considering that the text of the attached Protocol submitted by the Second Committee differs from that which was communicated to the Members of the League by Circular Letter No. 56 of 26th May, 1923, only as regards a few details of drafting, which do not involve any modifications of substance:

"Decides to open the attached Protocol immediately for signature by the States, expressing the desire that the greatest possible number of States may adhere to it as soon as possible."

In accordance with the decision of the Assembly, I now have the honour to hand you a certified true copy of the Protocol concerning Arbitration Clauses, which was opened at Geneva for signature by all the States on 24th September, 1923.*

I do not think it necessary to emphasize the importance attached by the Fourth Assembly to participation by the greatest possible number of States in this international agreement.

In bringing this matter to your notice,

I have, &c.,

For the Secretary-General.

Director of the Legal Section.

(6) Customs Formalities Convention.

(Treaty Series 1925, No. 16.)

58449

No. 247.

THE SECRETARY OF STATE to THE GOVERNORS.

(Newfoundland. No. 139.)

(Southern Rhodesia. No. 102.)

SIR,

Downing Street, [7th] [6th] December, 1923.

I HAVE the honour to transmit to you, to be laid before your Ministers, a copy of the Convention† drawn up at the International Conference on Customs and other similar formalities, held at Geneva during October and November, 1923, together with the Protocol to the Convention and the Final Act of the Conference.

* Document A.83, 1923, II; not reprinted. (See Treaty Series 1925, No. 4, for text.)
† C.D.1, 96 (1) 1923: not reprinted. (See Treaty Series 1925, No. 16, for text.)

2. It will be seen from Article 29 that any State signing the Convention may, at the moment of ratification, declare that its acceptance does not include any or all of its colonies, overseas possessions, etc., and I should be glad to learn whether your Ministers would wish a declaration in this sense to be made in respect of [Newfoundland,] [Southern Rhodesia,] at the time of deposit of His Majesty's ratification. In this connexion, I would invite attention to paragraph 6 of the Final Act of the Conference.

I have, &c.,
DEVONSHIRE.

MANDATES.

- (1) Attitude of the United States Government.
(a) "B" Mandates.

58447

No. 248.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.

Dominions Treaty No. 46. Confidential.)

[MY LORD,] [SIR,]

Downing Street, 6th December, 1923.

WITH reference to my Confidential despatch Dominions Treaty No. 58 of the 16th November, 1922,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] for the information of your Ministers, copies of further Notes exchanged between the Secretary of State for Foreign Affairs and the United States Embassy, regarding the preamble of the proposed Treaties with the United States affecting certain ex-German territories in Central Africa now administered by His Majesty's Government under Mandates on behalf of the League of Nations.

I have, &c.,
DEVONSHIRE.

[52731]

Enclosure 1 in No. 248.

(No. 639.)

MY LORD,

London, 24th March, 1923.

WITH reference to Your Lordship's note of 30th September, 1922, regarding the British Mandates for the administration of certain former German territories in tropical Africa and the proposed Treaties relative thereto, I have the honour to inform Your Lordship that my Government, animated by the desire of reaching an early agreement with the British Government, and in view of the assurance contained in paragraph 5 of your note, that the British Government has not the slightest intention to discriminate against United States nationals or institutions, by subjecting their operations to restrictions not equally applicable to British nationals and institutions, is disposed to accept the wording proposed by the British Government for Article 8 of the Mandate for East Africa, and Article 7 of the Mandates for Togoland and the Cameroons which is substantially similar to paragraph 1 of Article 2 of the Treaty between the United States and Japan, regarding the former German Islands north of the Equator, without making this acceptance subject to the insertion in the Treaties of an additional article.

It is understood, however, that such acquiescence in the proposals of the British Government with regard to African Mandates in no way affects the position heretofore taken by the Government of the United States with regard to American missionary and educational institutions in territories which may come under "A" Mandates.

* No. 191 in Dominions No. 87.

My Government regrets that, with regard to the preamble of the African Treaties, it is unable to concur in the proposal set forth in paragraph 7 of Your Lordship's note. However, the Government of the United States, having in mind the position taken in paragraph 5 of the British note of 2nd October, 1922, as to the preamble for the Treaty relating to the Palestine Mandate and the desirability of making the Treaties with Great Britain and the Treaties with France as to African territories identical in form and substance, is confident that the British Government will not find it impossible to adopt the text proposed in a memorandum to the British Ambassador of 8th July, 1922,* which text is substantially the same as that used in the French Treaties which have been recently signed.

I have the honour to state further that my Government is willing to proceed immediately to the signature of these proposed Conventions, the full texts of which are contained in the drafts transmitted herewith.

I have, &c.,
POST WHEELER,
Counsellor of Embassy.

The Most Honourable
The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.
Foreign Office, S.W.1.

Draft Treaty—East Africa.

Whereas, by Article 119 of the Treaty of Peace signed at Versailles the 28th of June, 1919, Germany renounced in favour of the principal Allied and Associated Powers all her rights and titles over her overseas possessions; and

Whereas, by Article 22 of the same instrument, it was provided that certain territories which, as a result of the War, had ceased to be under the sovereignty of the states which formerly governed them should be placed under the Mandate of another Power, and that the terms of the Mandate should be explicitly defined in each case by the Council of the League of Nations; and

Whereas, the benefits accruing to the United States under the aforesaid Article 119 of the Treaty of Versailles were confirmed by the Treaty between the United States and Germany signed on 25th August, 1921, to restore friendly relations between the two nations; and

Whereas, four of the Principal Allied and Associated Powers, to wit: The British Empire, France, Italy and Japan, agreed His Britannic Majesty should exercise the Mandate for part of the former Colony of German East Africa; and

Whereas, the terms of the said Mandate have been defined by the Council of the League of Nations as follows:—

(Terms of Mandate, except the preamble.)

Whereas, the United States of America, by participating in the War against Germany contributed to her defeat and to the renunciation of her rights and titles over her overseas possessions, but has not ratified the Treaty of Versailles; and

Whereas, the Government of the United States and the Government of Great Britain desire to reach a definite understanding with regard to the rights of the two Governments and their respective nationals in the aforesaid former Colony of German East Africa:

The President of the United States of America and His Britannic Majesty have decided to conclude a Convention to this effect and have nominated as their plenipotentiaries

who have agreed as follows:—

Article One:

Subject to the provisions of the present Convention, the United States consents to the administration by His Britannic Majesty, pursuant to the aforesaid Mandate, of the former German Territory described in Article One of the Mandate, hereinafter called the Mandated Territory.

Article Two:

The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of Articles Three, Four, Five, Six, Seven, Eight, Nine and Ten of the Mandate to members of the League of Nations and their nationals, notwithstanding the fact that the United States is not a member of the League of Nations.

Article Three:

Vested American property rights in the mandated territory shall be respected and in no way impaired.

* See enclosure 7 in No. 189 in Dominions No. 87.

Article Four:

A duplicate of the annual report to be made by the mandatory under Article Eleven of the Mandate shall be furnished to the United States.

Article Five:

Nothing contained in the present Convention shall be affected by any modification which may be made in the terms of the Mandate as recited above unless such modification shall have been assented to by the United States.

Article Six:

The Extradition Treaties and Conventions in force between the United States and the United Kingdom shall apply to the mandated territory.

Article Seven:

The present Convention shall be ratified in accordance with the respective constitutional methods of the High Contracting Parties. The ratifications shall be exchanged in London as soon as practicable. It shall take effect on the date of the exchange of ratifications.

In witness whereof

Done in duplicate at _____ this _____ day of _____

Enclosure 2 in No. 248.

SIR, Foreign Office, S.W.1, 26th November, 1923.

It was with much gratification that His Majesty's Government learnt from Mr. Harvey's note of the 24th March last, that the United States Government were now in agreement with them as to the substantive portion of the proposed Anglo-American Treaties affecting the former German territories in Central Africa now administered by His Majesty's Government under Mandate on behalf of the League of Nations.

2. The delay which has arisen in replying to that note has been caused by the difficulties found to exist in the text of the preamble suggested by the United States Government for the Treaties in question; His Majesty's Government regret that they have not been able, after careful consideration, to overcome their objection to certain passages in this text.

3. In the first place, reference is made in the suggested preamble to benefits accruing to the United States under Article 119 of the Treaty of Versailles and confirmed by the Treaty between the United States and Germany signed on 25th August, 1921. His Majesty's Government cannot admit that any benefits have accrued to the United States under a Treaty which the latter have not ratified, or that, in the case of the territories now under Mandate, Germany retained after the entry into force of the Treaty of Versailles any rights over or in them which she could subsequently transfer to the United States. As was stated in Mr. Harvey's memorandum of the 24th August, 1921,* the renunciation made by Germany under Article 119 of the Treaty of Versailles was indivisible, and no part of the sovereignty over the territories affected remained to Germany thereafter.

4. Paragraph 4 of the suggested preamble states that Japan agreed, and implies that the United States did not agree, that His Britannic Majesty should exercise the Mandates now in question. His Majesty's Government are unable to set their signature to a text containing either statement or implication. As is well known, the allocation of the Mandates was made unanimously at a meeting of the Supreme Council at Versailles on 7th May, 1919, at which President Wilson, but no Japanese representative, was present. Japan had no part in the allocation: and though Mr. Wilson has repudiated any participation in the decision relating to the island of Yap, I am not aware that it has hitherto been claimed that he did not agree to the distribution of the other Mandates.

5. His Majesty's Government have no desire to enter into controversy on these matters; it would in their view be of no advantage to do so. It was with the object of avoiding argument that they proposed the simple form of preamble set forth at the end of my note of the 30th September, 1922.† They entertain the hope that after further consideration, the United States Government will be able to accept either that text or some other which does not raise the difficulties which I have ventured to point out.

I have, &c.,

CURZON OF KEDLESTON.

Post Wheeler, Esq.,

&c., &c., &c.

* Enclosure 1 in No. 159 in Dominions No. 81.

† Enclosure in No. 191 in Dominions No. 87.

(b) "C" Mandates.

25077

No. 249.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th May, 1923.)

(Confidential.)

MY LORD DUKE, Governor-General's Office, Melbourne, 7th April, 1923.

WITH reference to your predecessor's Confidential despatch, dated 18th August, 1922,* covering a copy of correspondence with the United States Ambassador in London on the subject of "C" Mandates, I have the honour, at the instance of my Prime Minister, to inform Your Grace that the Commonwealth Government is desirous of deferring an expression of its views on the suggestions made in the Ambassador's note, dated 26th July, 1922,† until there has been an opportunity for the Governments of the Empire, viz., His Majesty's Government, the Commonwealth, New Zealand, and South African Governments, to consider in consultation the requests of the Government of the United States which affect all of them. My Prime Minister adds that the Imperial Conference will provide a suitable opportunity for such a discussion.

I have, &c.,

FORSTER,

Governor-General.

49015

No. 250.

EXTRACT FROM CONCLUSIONS OF A MEETING OF A COMMITTEE OF THE IMPERIAL CONFERENCE, HELD AT THE COLONIAL OFFICE ON THE 23RD OCTOBER, 1923.

THE Committee considered the following requests made by the United States Government in their Memoranda of the 24th August, 1921,‡ and the 26th July, 1922,† as set out in Paper E. 76.

(1) Article 5 of the "C" Mandates should be changed so as to grant to United States Missionaries equal treatment with that guaranteed by the Mandates to Missionaries who are nationals of States members of the League.

(2) The United States Government desired a guarantee of most-favoured-nation treatment in all "C" Mandated Territories.

(3) There should be a provision prohibiting monopolistic concessions by the Mandatory, or monopolising of natural resources by the Mandatory itself.

(4) Modification of the Mandates should be subject to the assent of the United States.

(5) Pending the conclusion of a definite agreement as to "C" Mandates, the United States Government asked that they might receive duplicates of the Reports submitted to the League of Nations on the administration of "C" Mandated Territories.

As regards (2), it was pointed out that, apart from their representations as to "C" Mandated Territories generally, the United States Government had made special representations, based on Article III of the Treaty of the 2nd December, 1899, between the United States, Germany and Great Britain relating to Samoa, to the effect that the British preferential tariff in Western Samoa should be extended to United States goods.

It was agreed that no reply need be sent to the United States Government on the general question raised unless, and until, that Government brought the matter forward again. The Committee, whilst determining that there should be further consultation as to the exact terms of the reply, arrived at the following conclusions as to the general nature of the reply which might be returned, should the United States Government raise the matter again and press for an answer.

* No. 196 in Dominions No. 87.

† Enclosure 1 in No. 195 in Dominions No. 87.

‡ Enclosure 1 in No. 159 in Dominions No. 81.

As regards (1) the Committee saw no objection to an assurance being given to the United States Government that their Missionaries would be granted the treatment desired.

As regards (2), it was pointed out that what the United States Government really desired was national treatment.

As regards all the "C" Mandated Territories, the position was that, under Article 22 of the Covenant of the League of Nations, and under the Mandate itself, the Mandatory has absolute right to treat them as an integral part of its Territory, subject only to certain specified rights in favour of the native inhabitants; and therefore the claim of the United States Government to receive national treatment as regards all the "C" Mandated Territories was inconsistent with both the Covenant and the Mandate.

As regards the Mandated Territory of South West Africa in particular, it was explained that in this respect it was in a special position. South-West Africa is treated, for Customs purposes, as part of the Union of South Africa, and consequently, if preference were granted to United States goods imported into that Territory, those goods would, in effect, have preference in all parts of the Union of South Africa, a position which the Government of the Union was not prepared to accept.

It was therefore agreed that it was impossible to grant the request of the United States Government for national treatment in "C" Mandated Territories generally.

As regards (3), the Committee considered that an assurance might possibly be given as regards monopolies on similar lines to the reply of His Majesty's Government in the case of "B" Mandated Territories.*

In the event of the United States Government raising any question as to Nauru in this connexion, it would be sufficient to explain to them that the position with respect to the Phosphate resources of the Island was merely that the three Governments concerned (i.e., His Majesty's Government and the Governments of the Commonwealth of Australia and New Zealand) had acquired by direct purchase through voluntary sale on the part of the owners, and not through the Mandate, exclusive rights granted before the War by the German Government to a private company.

As regards (4), the matter should be reserved for further consideration.

As regards (5), the Committee saw no objection to the request being granted.

* * * * *

52299

No. 251.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 29th October, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copy of a note from the United States Ambassador on the subject of the United States Government and Mandates.

Foreign Office,

27th October, 1923.

Enclosure in No. 251.

(No. 1071.)

MY LORD,

London, 25th October, 1923.

I HAVE the honour to refer to previous communications on the subject of Mandates.

The matter of the so-called "A" Mandates has, of course, been in abeyance pending the settlement of the Near Eastern question.

As to the "B" Mandates, Conventions were signed between the United States and France on 13th February, 1923, in regard to those parts of Togoland and the Cameroons that are under French Mandate, and between the United States and Belgium on 18th April, 1923, in regard to the Territory of Ruanda and Urundi. In

* See despatch from the Secretary of State for the Colonies to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa, Dominions Treaty No. 11, Confidential, of the 28th March, 1922 (No. 186 in Dominions No. 87) and subsequent correspondence.

relation to the British "B" Mandates covering portions of Togoland and the Cameroons, I am awaiting a reply to my communication of 24th March, 1923.* I had the honour in that communication to inform Your Lordship that my Government, animated by the desire to reach an early agreement with the British Government, and in view of Your Lordship's assurances that the British Government did not have the slightest intention to discriminate against United States nationals or institutions by subjecting their operations to restrictions not equally applicable to British nationals and institutions, was disposed to accept the wording proposed by the British Government in Article 8 of the Mandate for East Africa and Article 7 of the Mandates for Togoland and the Cameroons which are substantially similar to paragraph 1 of Article 2 of the Treaty between the United States and Japan regarding the former German islands north of the Equator, without making this acceptance subject to the insertion in the Treaties of an additional article. I stated that it was to be understood, however, that this acquiescence in the proposals of the British Government with regard to African Mandates would in no way affect the position heretofore taken by the Government of the United States with respect to American Missionary and educational institutions in Territories which might come under "A" Mandates.

The only point of difference between the two Governments with respect to the "B" Mandates appears to be in relation to the recitals of the preamble of the proposed Treaty. It may again be pointed out that the preamble as proposed by my Government is substantially the same as that used in the French and Belgian Conventions with respect to "B" Mandates and in the Treaty with Japan with respect to the former German islands in the Pacific north of the Equator. I again express the hope that this wording which has been found acceptable by these three Governments will be approved by the British Government especially as it is not understood that there is any difference in the attitude or policy of the British Government which would require a difference in statement.

I desire at this time to refer particularly to the "C" Mandates covering the former German Possessions in the Pacific Ocean south of the Equator and the Territory which formerly constituted German South-west Africa. As you have been advised, a Treaty was concluded between the United States and Japan in relation to North Pacific islands for which His Majesty the Emperor of Japan is the Mandatory. This Treaty, signed on 11th February, 1922, became effective on 13th July, 1922. The general subject of the relation of the United States to Mandated Territories was considered in the communication which I made to Your Lordship under instructions from my Government on 24th August, 1921.† In this communication I referred to the position already taken by my Government, that the right to dispose of the overseas possessions of Germany was acquired only through the victory of the Allied and Associated Powers and that there could be no valid or effective disposition of these Territories without the assent of the United States as one of the participants in that victory. It was assumed in this view and in the light of the fundamental principles recognized by the British Government as applicable to the administration of Mandated Territories that there would be no disposition to discriminate against the United States or to refuse to safeguard equality of commercial opportunity. In the same communication the following proposals were made with regard to the "C" Mandates except as to the Island of Yap:

"(a) Article 5 should be changed so as to embrace nationals of the United States and to avoid ambiguity as to educational and charitable activities of Missionaries. It would be preferable to have the same provision as in Article 8 of the British 'B' Mandate for German East Africa.

"(b) All 'C' Mandates treat Mandated Territory for administration and legislation as an integral portion of the Territory of the Mandatory. This, unless qualified, would permit discrimination. It is desired that the Mandatories respectively should guarantee to the United States most-favoured-nation treatment in all 'C' Mandate Territories, reserving, however, the present special Treaty rights of the United States as to German Samoa under Article 3 of the Treaty concluded at Washington, 2nd December, 1899. The Government of the United States has already protested‡ against the discriminatory tariff imposed by New Zealand in violation of this Treaty, in which connexion reference is made to the note of the Foreign Office, dated 9th January, 1921.

* Enclosure 1 in No. 248.

† Enclosure 1 in No. 159 in Dominions No. 81.

‡ See No. 163 in Dominions No. 81.

"(c) There should be provision similar to that proposed in the other forms of Mandates prohibiting monopolistic concessions by the Mandatory or the monopolizing of natural resources by the Mandatory itself.

"(d) As in other cases modification of Mandate will be subject to assent of the United States."

In your communication of 22nd December, 1921,* Your Lordship stated that His Majesty's Government had never desired to deprive the United States of the fruits of victory to which it had contributed and, as they were quite willing to meet the wishes of the United States as regards the British Mandates, it did not seem necessary to enter into a detailed examination of the general considerations contained in the American note. And in Your Lordship's communication of 29th December, 1921,† it was stated that His Majesty's Government emphatically disclaimed any intention on their part to discriminate against United States nationals and companies or to refuse them full equality of commercial opportunity. These notes, however, so far as the particular provisions of the Mandates were concerned, dealt with "A" and "B" Mandates, and did not take up the specific proposals that had been made by my Government as to the "C" Mandates.

On 26th July, 1922, I addressed a further communication‡ to Lord Balfour inviting attention more specifically to certain matters relating to the administration of the regions in question in which the point of view of the Government of the United States was further defined. It was observed that, in view of the cordial assurances which had been given in the prior communications of His Majesty's Government, it had been assumed by my Government that there would be no disposition to deny to the United States as to the several Mandated Territories any guarantees which might be appropriate for the safeguarding of the present or prospective American interests in these Territories and in particular that no action would be taken prior to the assent of the United States to the Mandates which would be discriminatory or otherwise contrary to the spirit of the expected guarantees. It was stated, however, that certain circumstances and action had been brought to the attention of my Government which appeared to justify an immediate inquiry.

Reference was then made to the following particular circumstances and action:

(1) I referred to the statement in my communication of 24th August, 1921,§ that the Government of the United States protested against the discriminatory tariff imposed by New Zealand in violation of the Treaty concluded in Washington, 2nd September, 1899; that subsequently further representations had been made on the same point and that I had been informed that the matter was still under discussion with the New Zealand Government. In the meantime it appeared that there had been no suspension or repeal of the discriminatory duties. It was pointed out that, although the Treaty rights of the United States were in this instance controlling, my Government believed that, apart from these rights, there should be, prior to the assent of the United States to the Mandate, no discrimination of any kind in the Mandated Territory against the citizens or commerce of the United States.

(2) Reference was also made to similar action which appeared to have been taken with respect to former German South-west Africa. It was understood that an Act to amend the tariffs of the Union of South Africa, published in the *South African Official Gazette* of 30th May, 1921, and reported to have gone into force 7th June, 1921, contemplated that this Mandated Territory should be regarded for customs and excise purposes as a part of the Union which, it was understood, accorded certain tariff preferences and privileges to other parts of the British Empire. It was stated that the result of this legislation would be discrimination against the United States and it was added that, if it was the purpose of the Union of South Africa to put legislation of this character in force, my Government felt that it must require for its goods imported into South-west Africa any preferences and privileges accorded to any other similar goods.

(3) Further reference was made to the fact that the Governor-General of the Australian Commonwealth, on 22nd February, 1922, had proclaimed certain amendments to the regulations under the Treaty of Peace (Germany) Act, 1919-1920, providing for the sale of enemy property, apparently applicable to such property in the Mandate Territory of New Guinea. The amendment to the regulations contained certain provisions the effect of which was to discriminate against American nationals and companies who might desire to participate in the purchase of the property concerned.

* Enclosure in No. 186 in Dominions No. 87.

† Enclosure 2 in No. 187 in Dominions No. 87.

‡ Enclosure 1 in No. 195 in Dominions No. 87.

§ Enclosure 1 in No. 159 in Dominions No. 81.

(4) It was further stated that, on 22nd November, 1921, an official statement had been made in the Australian Parliament regarding oil deposits in Mandate New Guinea, indicating, if the statement had been correctly transmitted to my Government, that it was at that time intended to reserve all such deposits for the exclusive use of the authorities administering the Mandate, and the feeling was expressed in the Australian Parliament that, under Class "C" Mandates, such as that of New Guinea, the Mandatory might impose whatever restrictions it pleased upon both men and goods. I pointed out that statements of this tenor were less disturbing if it were assumed, as my Government had been inclined to assume, that the views of the Government of the United States respecting Mandates and the acceptance in general of these views by His Majesty's Government had not at that time been made known to the officials of the Commonwealth. I called attention to the fact that my Government had not been made aware of any subsequent correction of these statements or of further amendments of a more reassuring nature and American interests were left in uncertainty regarding the possibility of participating in certain branches of activity in New Guinea.

(5) There was also reference to the provisions in the Treaty between the United States and Japan for the furnishing to my Government of a duplicate of the Annual Report of the Mandatory on the administration of the Mandated Territories.

In conclusion, I expressed the hope that His Majesty's Government would find it possible to convey to my Government the desired assurances on the points listed with respect to the "C" Mandates and embodied in the Memorandum of 24th August, 1921,* and that, until an appropriate Treaty should be concluded relating to these Mandated Territories, there would be no action of a monopolistic character or discriminating against American nationals or companies or otherwise prejudicial to American rights and interests.

The reply of His Majesty's Government, under date of 12th August, 1922,† stated that the desiderata of the United States Government would receive the most careful consideration in consultation with the Governments of the Dominions concerned and that their views would be presented in due course.

In view of the desirability of an early agreement upon these questions, I trust that it may be helpful to present the views of the United States Government in two draft forms‡ of Conventions proposed to be concluded between His Majesty's Government and the Government of the United States for the purpose of settling definitely the relation of my Government to the regions in question.

The first draft form is that which it is proposed shall be followed in the Conventions concerning the Territory formerly the German Protectorate of South-West Africa, the island of Nauru and the former German island possessions in the Pacific Ocean south of the Equator other than the island of Nauru and former German island of Samoa. The second draft Convention relates to former German Samoa.

With respect to the first draft form, it will be observed:

(1) The preamble is in the same form substantially as the preamble in the Treaty between the United States and Japan relating to the Mandated islands in the Pacific Ocean north of the Equator, and the preambles in the Treaties which have been signed recently between the United States and France and Belgium relating to the "B" Mandate Territories in Africa.

(2) Articles 1, 2, 3, 4, 9 and 10 are substantially the same as Articles 1 and 2 of the Treaty between the United States and Japan above mentioned, with the exception of sub-division 3 of Article 2 of that Treaty, which relates to existing Treaties.

(3) As there are no applicable existing Treaties as there were in the case of Japan, Articles 5, 6, and 7 would appear to be appropriate.

(4) Article 8 contains provisions substantially corresponding to those embraced in the British "B" Mandate for portions of Togoland and the Cameroons.

(5) Article 11 relates mainly to applicable existing extradition Conventions between the United States and Great Britain.

The second draft form of Convention, save for Article 7, is identical with the first draft form. The proposed Article 7 has been inserted to preserve to the United States the special rights accorded to the United States in the Convention signed in Washington, 2nd December, 1899, with respect to the Samoan islands.

* Enclosure 1 in No. 159 in Dominions No. 81.

† Enclosure 2 in No. 195 in Dominions No. 87.

‡ Not printed.

In proposing these Conventions my Government has proceeded upon the assumption that there is no difference in principle between the Government of the United States and the British Government as to the appropriate administration of Mandate Territories, and my Government has had in mind the repeated disclaimers by Your Lordship of any intention on the part of His Majesty's Government to deprive the United States of any of the rights and privileges to which it is entitled by the common victory over Germany, or to discriminate against United States nationals and companies. In view of these cordial assurances, the Government of the United States is confident that His Majesty's Government will have no disposition to withhold from the United States such guarantees with respect to "C" Mandates as may be appropriate in order to safeguard American rights and interests in the territories and islands in question.

I have, &c.,

For the Ambassador:

POST WHEELER,

Counsellor of Embassy.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.

Note.—This note was circulated to the Members of the Imperial Conference Committee on the United States and "C" Mandates as Paper E (M) 1.

53595

No. 252.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 6th November, 1923.)

SIR,

Foreign Office, S.W.1, 5th November, 1923.

ON the 27th ultimo your department was furnished with an advanced copy of a note* from the United States Ambassador reiterating the claims of the Government of the United States in the matter of the treatment of United States nationals and goods in the British "C" Mandated Territories, and enclosing the draft of two Conventions purporting to regulate the position of the United States in accordance with those claims.

2. In the light of the conclusions reached at the recent meeting with the Dominion Prime Ministers at the Colonial Office, it seems useless to examine these drafts clause by clause with the Dominion Ministers in the hope that, after being amended in every respect necessary to safeguard the vital interests of the Dominions, they would still be satisfactory to the United States Government. The demands of that Government are so sharply in conflict with the spirit and terms of the "C" Mandates, and would involve so extensive a curtailment of the liberty of action enjoyed by the Mandatories in the Territories in question, that the better course might well be to refrain from any attempt to adapt the drafts, and to reply to the United States Government in general terms explaining why their demands cannot be met in full.

3. I am accordingly directed by the Secretary of State for Foreign Affairs to enclose, for the consideration of the Secretary of State for the Colonies, the draft† of a reply to the United States Chargé d'Affaires embodying the above suggestion and ending with an offer which, whilst entailing no real sacrifice on the part of the Dominions, may to some extent palliate the general effect of the note.

4. If the Duke of Devonshire concurs in these views and in the terms of the draft reply, Lord Curzon will be glad if His Grace will take an early opportunity of submitting it for the approval of the Dominion Prime Ministers.

I am, &c.,

R. H. CAMPBELL.

* Enclosure in No. 251.

† Not printed; for draft note, as circulated to the Imperial Conference, see No. 253.

Attached to 53595

No. 253.

DRAFT NOTE TO THE UNITED STATES CHARGÉ D'AFFAIRES.

(Circulated to Members of the Imperial Conference Committee as Paper E (M) 2.)

(Secret.)

(E (M) 2.)

His Majesty's Government have had an opportunity of conferring with the Dominion Prime Ministers now in London in the matter of the wishes of the Government of the United States of America in regard to the treatment of United States nationals and goods in the Territory administered under the British "C" Mandates.

2. In my notes of the 22nd and 29th of December, 1921,* dealing with Palestine and with the Territories in Africa administered under "B" Mandates, I had the honour to assure the late United States Ambassador that His Majesty's Government had never desired to deprive the United States of the fruits of a victory to which they had so generously contributed, and were willing to meet the wishes of the United States as regards the treatment of their nationals in those Territories, subject to the obligations imposed upon them by their existing Treaty engagements. In this spirit His Majesty's Government entered upon the negotiation of Treaties to regulate the position of the United States in the Territories in question, and have agreed, as you are aware, upon draft clauses of one such Treaty in terms satisfactory to your Government.

3. The contents of Mr. Harvey's several notes, the last of which was dated the 25th of October,† dealing with the Territories administered under "C" Mandates, have been carefully examined with the Dominion Prime Ministers with the object of determining how far it is possible to adopt, in these Territories, a procedure similar to that followed in the case of the Territories referred to in the preceding paragraph. This examination has led both His Majesty's Government and the Dominion Prime Ministers reluctantly to the conclusion that it will not be possible to treat the "C" Mandated Territories on the same footing as those administered under "A" and "B" Mandates for the following reasons.

4. The terms of the different types of Mandate vary fundamentally and this variation has its basis in the terms of the Treaty of Versailles. It is true that the United States have not ratified that Treaty, but that does not alter the fact that, as between Germany and those Powers which have ratified it, those provisions are binding. Under Article 119, of the Treaty, Germany renounces "in favour of the Principal Allied and Associated Powers all her rights and titles over her oversea Possessions." Under Article 22, those Possessions situated in South-west Africa and the Southern Pacific were assigned to the Mandatory with provision for their administration "under the laws of the Mandatory as integral portions of its Territory." This provision was incorporated in the terms of the "C" Mandates which, as your Government are aware, have been approved and confirmed by the Council of the League of Nations.

5. The Government of the United States will remember that the plenipotentiaries representing the Commonwealth of Australia, New Zealand, and the Union of South Africa, did not press the question of the annexation of these particular Territories at the earnest request of the United States Government or President at the time, but only on the express understanding that in return for accepting, instead, Mandates over these Territories, they would be free to administer them as integral parts of the Mandatory Dominions. It is impossible now to admit any departure from this express understanding.

6. Apart from these considerations, the Governments of the Dominions would be unable, for reasons of a practical and physical nature, to comply in full with some of the claims advanced by the United States Government. With the object, nevertheless, of testifying to their friendly sentiments towards the United States, they are willing that an assurance should be given embodied, if desired, in the form of a binding engagement, that so long as the terms of the Mandates remain unaltered, United States nationals and goods will be treated in all respects on a footing equal to that enjoyed by the nationals and goods of any State member of the League of Nations, with the exception of those within the British Empire, subject only to the proviso that this shall not involve the violation of any existing Treaty engagements towards third parties.

7. I shall have the honour to address you separately in due course in regard to the Treaty rights claimed by the United States Government in Samoa.

* Enclosure in No. 186, and Enclosure 2 in No. 187 in Dominions No. 87.

† Enclosure in No. 251.

Attached to 53595

No. 254.

MR. E. J. HARDING to [CAPTAIN E. F. C. LANE,] [SIR ROBERT GARRAN,] [MR. F. D. THOMSON,]

[Answered by Nos. 255 and 256.]

Downing Street, S.W.1, 8th November, 1923.

DEAR [LANE,] [GARRAN,] [THOMSON,]

WITH reference to the draft reply to the United States about "C" Mandates (see Paper E (M) 2),* could you let me know [General Smuts'] [Mr. Bruce's] [Mr. Massey's] views on the draft, as it would seem advisable, if at all possible, that the reply should be agreed before the Prime Ministers concerned leave this country.

Yours sincerely,

E. J. HARDING.

Note.—The Prime Minister of the Commonwealth of Australia intimated by telephone that he concurred in the draft reply.

55387

No. 255.

CAPTAIN E. F. C. LANE to MR. E. J. HARDING.

[Answered by No. 257.]

Office of the High Commissioner for the Union of South Africa,

Savoy Hotel, 16th November, 1923.

United States and "C" Mandates:

MY DEAR HARDING,

YOU spoke to me about "C" Mandates and in your letter of the 8th November† you say that it would seem advisable, if at all possible, that a reply should be sent to the American Government before the Prime Minister leaves. General Smuts is in full sympathy with this and asks me to say on his behalf that he thinks an answer may be sent that—in so far as the Union Government are concerned—the Union Government on the whole are sympathetic with the view of the United States and that while there are certain administrative difficulties to be overcome, they would be prepared to act in the same way as His Majesty's Government have acted in regard to "B" Mandates.

You will recollect that South-west Africa is in the Union Customs Convention and is administered entirely as a portion of the Union. This would cause some difficulty in administration if the concessions given in "B" Mandates to the American Government were allowed, but General Smuts is prepared to do his utmost to overcome this and so to remove any cause of soreness of the United States Government.

I hope this reply will enable you to proceed.

Believe me,

Yours sincerely,

E. F. C. LANE.

56040

No. 256.

MR. F. D. THOMSON to MR. E. J. HARDING.

[Answered by No. 258.]

DEAR HARDING, Prime Minister's Office, Hotel Cecil, 19th November, 1923.

WITH reference to your letter of the 8th November,† with reference to the draft reply to the United States about "C" Mandates, Mr. Massey would prefer that the reply should be held over until he has had the opportunity of considering the whole matter with his Cabinet in New Zealand, and particularly with his

* No. 253.

† No. 254.

Attorney-General, Sir Francis Bell, who, you will recollect, has devoted considerable time and attention to the subject, and, in view of the importance of the principle involved not only to New Zealand but to other Dominions holding Mandatory powers, Mr. Massey would naturally like to consult his Cabinet before the considered views of the New Zealand Government on the proposed draft are forwarded.

Yours sincerely,

F. D. THOMSON.

56040

No. 257.

MR. E. J. HARDING to CAPTAIN E. F. C. LANE.

DEAR LANE,

Downing Street, 26th November, 1923.

I AM sorry to trouble you during your holiday, but we are rather puzzled how to proceed as regards the reply to the United States as to "C" Mandates.

I enclose a complete file of the correspondence for reference. We are not quite certain whether we are to assume from your letter of the 16th November* that General Smuts does not agree with the draft reply to the United States Government (see Paper E (M) 2).† Mr. Bruce has concurred in the draft reply, while Mr. Massey has not expressed any opinion at present, as he wishes to have the opportunity of considering the whole matter with his Cabinet on his return to New Zealand.

We should be very grateful for any suggestions as to how we should now proceed. You will appreciate that a somewhat embarrassing situation might be created if in the course of the next few months the Commonwealth and New Zealand Governments had concurred in the draft Note, while a reply in a different sense was to be sent on behalf of the Union of South Africa.

Perhaps we might talk this over when I see you early in December? There is no immediate urgency now as presumably, in view of Mr. Massey's attitude, the Foreign Office will have to tell the United States Embassy that they cannot give a considered answer just yet.

Yours sincerely,

E. J. HARDING.

59710

No. 258.

MR. E. J. HARDING to MR. F. D. THOMSON.

[Answered by No. 259.]

DEAR THOMSON,

Downing Street, 13th December, 1923.

WITH reference to your letter of the 19th November,‡ as I mentioned to you, the Foreign Office are very anxious to be in a position to send an early reply to the United States Note of the 25th October§ on the subject of "C" Mandates. Would it be agreeable to Mr. Massey if we were to tell the Foreign Office that, while Mr. Massey will not be in a position to give a considered opinion on the draft reply to the United States Government (Paper E (M) 2),† until he has had an opportunity of consulting the New Zealand Cabinet, he proposes to take up the matter with his colleagues immediately on his return to New Zealand and that the views of the New Zealand Government on the draft reply will be communicated by telegraph as soon as possible thereafter?

Yours sincerely,

E. J. HARDING.

60890

No. 259.

MR. F. D. THOMSON to MR. E. J. HARDING.

Prime Minister's Office, Hotel Cecil, W.C., 14th December, 1923.

DEAR HARDING,

I AM in receipt of your letter of the 13th instant|| in which you state that the Foreign Office are anxious to be in a position to send an early reply to the United States Note of the 25th October,§ on the subject of "C" Mandates.

* No. 255.

† No. 253.

‡ No. 256.

§ Enclosure in No. 251.

|| No. 258.

In conformity with our verbal discussion on the 12th instant, Mr. Massey will be glad if the Secretary of State will inform the Foreign Office that, while he is not in a position to give a considered opinion upon the draft reply to the United States Government until he has had an opportunity of consulting the New Zealand Cabinet, he proposes to take up the matter with his colleagues immediately on his return to the Dominion, when the views of the New Zealand Cabinet on the draft reply will be communicated by cable as soon as possible thereafter.

Yours sincerely,
F. W. THOMSON.

(2) Position of Mandated Territories in relation to Treaties.

43972 AND 42147

No. 260.

COLONIAL OFFICE to FOREIGN OFFICE.

(Extract.)

SIR, Downing Street, 30th August, 1923.

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letters of the 23rd August* regarding the Report of the Permanent Mandates Commission on the work of its recent session.†

2. It is noted from page 3 of the Report that the Commission accepts the view set out in the letter from the Colonial Office of the 9th February, 1922,‡ that General Commercial Treaties do not extend to Mandated Territories unless special arrangements are made to that end. It will, however, be remembered that in Commercial Treaties recently negotiated provision has been made for the accession of Mandated Territories and that it is proposed to make similar provision in subsequent Treaties. Steps are also being taken to insert in Extradition Treaties, when negotiated, a provision under which they may be made applicable to Mandated Territories.

3. The mere extension of a General Commercial Treaty between this country and a foreign Power to a Mandated Territory would not, however, have the effect, in the absence of a special arrangement, of entitling the native inhabitants of a Mandated Territory to enjoy the *personal* privileges conferred by the Treaty on British subjects generally. The position in this respect is the same as that which obtains in the case of Protectorates. It will be remembered that, where an Extradition Treaty is applicable to Protectorates and Mandated Territories, special arrangements are made for the assimilation of the position of native inhabitants of Protectorates and Mandated Territories to that of British subjects under the Treaty.

5. The Permanent Mandates Commission is apparently under the impression that Commercial Treaties between this country and foreign Powers apply to all British Colonies and Protectorates. This is, of course, not the case.

I am, &c.,
C. T. DAVIS.

* Nos. 42002 and 42147: not printed; they enclosed papers dealing with the Third Session of the Commission.

‡ No. 202 in Dominions No. 87.

† The relevant extract from the Report was as follows:—

(3) *Application of special International Conventions to Mandated Territories.*—"B" mandates contain a provision in accordance with which "the Mandatory shall apply to the territory (under mandate) any general international conventions applicable to its contiguous territory." This provision is included in all the "B" mandates, though with a different wording in the case of the British mandate for East Africa. As the "B" mandates contain no reference to special treaties, the Permanent Mandates Commission, after considering the question, is of the opinion that the special international conventions entered into by a State do not apply *de jure* to territories in regard to which the State in question has been entrusted with a mandate, even when these conventions are applicable to contiguous territories placed under the sovereignty of the same State.

This leads, as the Commission has been forced to recognize, to a situation prejudicial to the inhabitants of the mandated territories and to the economic development of these territories. The inhabitants, for example, may not claim the benefits of any treaties which have laid down the legal

58711

No. 261.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd December, 1923.)

(No. 341.)

Governor-General's Office, Melbourne,

MY LORD DUKE,

20th October, 1923.

I HAVE the honour, at the instance of my Acting Prime Minister, to inform Your Grace that the Commonwealth Government observes that the Permanent Mandates Commission, in its Report* on the work of its Third Session, has recommended to the Council of the League of Nations that the members of the League should consider the possibility of extending to "C" mandated territories the advantages which are conferred upon contiguous colonies and protectorates of the Mandatory State by special treaties entered into by that State with any other member of the League of Nations; and further that the Commission requests Mandatory Powers to inform it which general International Conventions applying to their contiguous territories have been extended to the mandated territories.

The Commonwealth Government would be glad to learn the views of His Majesty's Government respecting the action which should be taken in regard to this recommendation and inquiry, so far as Nauru is concerned.

My Acting Prime Minister informs me that, in so far as the Territory of New Guinea is concerned, the Commonwealth Government has not as yet taken steps towards applying any International Convention.

I have, &c.,
FORSTER,
Governor-General.

status of nationals of the mandatory State (*traités d'établissement*) within the territory of other States. Accordingly they are liable to have their right of free movement questioned and also their right to carry on trade and to own property, although these rights are recognized and guaranteed by treaty to the inhabitants of the contiguous colonies and protectorates of the mandatory State. This being so, the Commission has questioned whether further measures might not be taken to give the fullest practical effect to the principle laid down in Article 127 of Section I of Part IV of the Treaty of Versailles, which states that "the native inhabitants of the former German overseas possessions shall be entitled to the diplomatic protection of the Governments exercising authority over those territories." Moreover, the Mandates Commission has learnt that the benefits of the most-favoured-nation clause have been refused in the case of goods coming from a territory under a "B" mandate, while products of the same kind coming from contiguous protectorates of the mandatory State enjoy the advantage of this clause on being imported into the same country of destination.

The Commission is of opinion that the intentions of the authors of the Covenant would probably be fully met if measures were taken to improve the disadvantageous position in which this state of affairs has placed the inhabitants of mandated territories in regard to the protection of their persons and property and the disposal of the products of their soil and their industries. The Commission accordingly deems it desirable to propose the following recommendation, which might be adopted by all the Members of the League of Nations:

"That the Members of the League of Nations should forthwith consider the possibility of extending to the territories under 'B' mandates the advantages which are conferred upon the contiguous colonies and protectorates of the mandatory State by special treaties and conventions entered into by that State with any other Member of the League of Nations, on the understanding that reciprocity will only be recognized if it does not in any way infringe the principles of economic equality."

The same question arises in connexion with "C" mandates, with a few slight modifications, due to differences inherent in the two types of mandate. A Power entrusted with a "C" mandate drew the attention of the Commission to the fact that a State with which it had entered into relations under a special treaty did not regard itself as being bound to apply that treaty to the territory over which the former exercises its mandate. The argument on which this view is based—if the Commission is rightly informed—is that the mandated territory, although administered as an integral part of the territory of the Mandatory, constitutes a distinct entity, from the international point of view, and that, accordingly, international treaties signed by the mandatory State do not apply *de jure* to territory under "C" mandates.

If this view is correct—and the Commission accepts it—it would appear desirable, on grounds which apply equally to "C" and "B" mandates, that the recommendation set out above should be forwarded to the seven Members of the League of Nations on behalf of territories under "C" mandates, with a modification to the effect that, as regards the latter, reciprocity could be applied in any case without thereby infringing the terms of the mandate.

* No. 48060 in Miscellaneous No. 362.

(3) Nauru Report, 1922.

19811

No. 262.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.15 a.m., 20th April, 1923.)

TELEGRAM.

[Answered by No. 263.]

20TH APRIL. Ministers would be glad to learn whether desired that the Commonwealth Government should arrange for its representative to appear before the Mandates Commission on behalf of the British Empire as the Mandatory Power during the discussion of the report on Nauru for 1922, also whether His Majesty's Government will arrange for the formal transmission of the report to the Secretary-General, and of copies to the members of the Mandates Commission, or whether the Commonwealth Government should send the original report and copies direct.—GOVERNOR-GENERAL.

19811

No. 263.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.35 p.m., 2nd May, 1923.)

TELEGRAM.

[Answered by No. 264.]

YOUR telegram 20th April.* First question. His Majesty's Government will be glad if Government of Commonwealth of Australia will make arrangements as proposed. On this occasion, His Majesty's Government will be sending representative to meeting of Commission in connexion with reports on B and A Mandated Territories, and, subject to concurrence of Government of Commonwealth of Australia and Government of New Zealand, they would suggest that he, as well as representative of New Zealand, should be present at discussion of Nauru Report in order to prevent continuance of any misconception as to arrangements made for carrying out of Mandate on behalf of British Empire. Please telegraph your Ministers' views as to this. Second question. His Majesty's Government will arrange for transmission of report when received from Commonwealth Government in accordance with procedure described in Clause four proposed new Agreement. See your despatch 23rd October,† Confidential two.—DEVONSHIRE.

* No. 262.

† 60790: not printed. Clause 4 of the Agreement, which was signed on the 30th May, 1923, read:—

"All such reports as are required to be rendered to the Council of the League of Nations in virtue of Article 22 of the aforesaid Treaty of Peace or otherwise, shall be transmitted by the Administrator through the contracting Government by which he has been appointed to His Majesty's Government in London for presentation to the Council on behalf of the British Empire as mandatory."

24291

No. 264.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.29 a.m., 14th May, 1923.)

TELEGRAM.

14TH MAY. Sending to you by post on the Steamship "Hobson's Bay" copy of report on Nauru for the Council of the League of Nations. If it is desired that copy of report should be sent direct from here to Members of the Mandate Commission so as to ensure receipt before 30th June, please telegraph immediately to that effect. As accounts of the British Phosphate Commission not yet received they are not included in the report. Commonwealth Government asks that His Majesty's Government arrange to present copy of account to Council with report and send copies of the account to Members of the Commission.

Commonwealth Government agrees that the presence of the representative of the British Government desirable during consideration of the report by the Mandate Commission.—GOVERNOR-GENERAL.

24291

No. 265.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.20 p.m., 18th May, 1923.)

TELEGRAM.

[Answered by No. 266.]

GOVERNMENT of Commonwealth of Australia recently inquired whether desired that they should arrange for their representative to appear before Permanent Mandates Commission on behalf of British Empire during discussion of 1922 Nauru Report. His Majesty's Government replied that they would be glad if Government of Commonwealth of Australia would make arrangements as proposed, that on this occasion they themselves would be sending representative to meeting of Commission in connexion with Reports on B and A Mandated Territories, and that, subject to concurrence of Government of Commonwealth of Australia and Government of New Zealand, they would suggest that he, as well as representative of New Zealand, should be present at discussion of Nauru Report, in order to prevent continuance of any misconception as to arrangements made for carrying out of Mandate on behalf of British Empire. Government of Commonwealth of Australia concur in suggestion. Do your Ministers concur?—DEVONSHIRE.

27921

No. 266.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.5 a.m., 3rd June, 1923.)

TELEGRAM.

[Answered by Nos. 267 and 269.]

3RD JUNE. Your telegram 18th May.* New Zealand Government will be represented at meeting of Permanent Mandates Commission during discussion of Nauru Report, and High Commissioner is being communicated with to arrange necessary representation. My Ministers would be glad to be informed of approximate date on which discussion may be expected to take place.—JELlicoe.

* No. 265.

27921

No. 267.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.45 a.m., 15th June, 1923.)

TELEGRAM.

YOUR telegram 3rd June.* It will be seen from League of Nations Paper C550, M332, page 8, that Mandates Commission decided last year to open 1923 session on 20th July. Regret no information at present available as to order in which reports will be discussed.—DEVONSHIRE.

30616

No. 268.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.22 a.m., 19th June, 1923.)

TELEGRAM.

[Answered by No. 269.]

19TH JUNE. High Commissioner for Australia telegraphs that Director of Mandate section inquiring name of person(s) accredited as representative(s) of Australia during consideration of Nauru Report by Mandate Commission at its meeting commencing 20th July. Commonwealth Government asks that His Majesty's Government communicate to Secretary-General of the League of Nations name(s) of accredited representative(s) of mandatory for Nauru.—GOVERNOR-GENERAL.

35211

No. 269.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Commonwealth of Australia. No. 289.)
(New Zealand. No. 155.)

MY LORD,

Downing Street, 20th July, 1923.

WITH reference to Your Excellency's telegram of the [19th of June,†] [3rd of June,*] I have the honour to transmit to you, for the information of your Ministers, a copy of a letter to the Secretary-General of the League of Nations regarding the representation of the British Empire at the meeting of the Permanent Mandates Commission during the consideration of the report on Nauru for 1922.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 269.

(W 5396/70/98.)

SIR,

Foreign Office, S.W.1, 9th July, 1923.

I AM directed by the Secretary of State for Foreign Affairs to inform you that, under the agreements between His Majesty's Government and the governments of Australia and New Zealand, the administration of the Island of Nauru being at present under the control of the Government of the Commonwealth of Australia, the High Commissioner for the Commonwealth in London, the Right Honourable Sir Joseph Cook, G.C.M.G., has been appointed to represent the British Empire, as the Mandatory Power, before the Permanent Mandates Commission during the

* No. 266. † No. 268.

consideration of the report on Nauru for 1922. The Honourable W. Ormsby-Gore, M.P., and the High Commissioner for New Zealand in London, the Honourable Sir James Allen, K.C.B., will also be present during the sessions of the Commission devoted to the discussion of this report as representatives respectively of His Majesty's Government and the Government of New Zealand, the other parties to the agreements relating to Nauru.

I am, &c.,

G. H. VILLIERS.

The Secretary-General
of the League of Nations,
Geneva.

(4) Western Samoa.

Rights claimed by United States under the Convention of 1899.

18514

No. 270.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 14th April, 1923.)

[Answered by No. 271.]

SIR,

Foreign Office, S.W.1, 13th April, 1923.

WITH reference to your letter of the 7th ultimo,* I am directed by the Secretary of State for Foreign Affairs to suggest, for the consideration of the Secretary of State for the Colonies, that the Government of New Zealand should now be asked to return a definite reply to Mr. Churchill's telegram of 16th September last,† copy of which was enclosed in your letter of 23rd September,‡ with regard to the extension to the United States of any preferential tariff which may be established in Western Samoa.

I am, &c.,

G. R. WARNER.

18514

No. 271.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 2nd May, 1923.

IN reply to your letter of the 13th of April,§ regarding the representations of the United States Government on the subject of the establishment of a preferential tariff in Western Samoa, I am directed by the Duke of Devonshire to invite reference to the letter from this Department of the 7th of February,|| enclosing a copy of a despatch from the Governor-General of New Zealand dated the 2nd of November, 1922,¶ in which the New Zealand Government suggested that a reply to the representations of the United States Government on the general question of discriminatory treatment in territories administered under "C" Mandates should be deferred pending discussion by the Imperial Conference. The New Zealand Government may therefore wish that further consideration of the present question should be similarly deferred, and unless the matter is again raised by the United States Government, the Secretary of State would prefer not to send any reminding despatch.

2. I am to add that the matter is incidentally touched upon in the telegram sent to the Governor-General of New Zealand on the 17th of April** (a copy of which was enclosed in the letter from this Department of the 19th of April)†† as to the position of Western Samoa in relation to the Anglo-Spanish Commercial Treaty.

I am, &c.,

C. T. DAVIS.

* No. 41015: not printed; it intimated in reply to a reminder from the Foreign Office that no communication on the subject had been received from the New Zealand Government since No. 122 in Dominions No. 87.

† No. 220 in Dominions No. 87. ‡ 43806: not printed; it enclosed copies of Nos. 220 and 221 in Dominions No. 87. § No. 270. || 63242: not printed; it enclosed a copy of No. 201 in Dominions No. 87. ¶ No. 201 in Dominions No. 87. ** No. 348. †† 15960: L.F., not printed.

Note.—The representations of the United States Government on this subject (see correspondence in Dominions Nos. 75 and 87) were considered by the Committee of the Imperial Conference of 1923, which dealt with the representations of the United States Government as to the treatment of United States nationals and goods in C Mandated Territories generally. At its meeting on the 23rd October, the Committee adopted the following conclusions:—

"It was agreed that the special representations of the United States Government as to Western Samoa might be considered separately from the representations on the general question of commercial treatment. It was explained that His Majesty's Government had been advised that under the Treaty of 1899 the United States Government are apparently bound to give British shipping in the parts of Samoa under United States administration treatment as favourable as that accorded to United States shipping: this treatment is not in fact accorded, and it was understood that the Prime Minister of New Zealand was prepared to agree to an answer being sent to the United States Government to the effect that the New Zealand Government would be willing to consider the request of the United States Government for national treatment for their commerce in Western Samoa if that Government was willing to give British shipping national treatment in that part of Samoa under United States administration."

The following correspondence then took place.

56282

No. 272.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 22nd November, 1923.)

[Answered by No. 273.]

SIR,

Foreign Office, S.W.1, 21st November, 1923.

WITH reference to the conclusions* of the meeting of the Committee of the Imperial Conference on the position of the United States in relation to C Mandates held on the 23rd ultimo, I am directed by the Secretary of State for Foreign Affairs to transmit to you herewith the draft of a note† which he proposes, with the concurrence of the Secretary of State for the Colonies, to address to the United States Chargé d'Affaires in regard to the rights of the United States and New Zealand at Samoa arising out of the Treaty of 2nd December, 1899.

2. The note referred to in the first paragraph of the enclosure is the general note on the subject of C Mandates which was referred to your Department for concurrence in the letter from this Department of 5th November.†

I am, &c.,

R. SPERLING.

56282

No. 273.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 274.]

SIR,

Downing Street, 6th December, 1923.

WITH reference to your letter of the 21st November,§ I am directed by the Duke of Devonshire to transmit to you, to be laid before the Marquess Curzon of Kedleston, a copy of correspondence with the Secretary of the New Zealand Delegation to the Imperial Conference, regarding the proposed Note to the United States Government on the subject of rights arising under the Convention of the 2nd December, 1899, relating to Samoa.

2. It will be observed that the wording of the draft Note enclosed in the letter to Mr. Thomson of the 30th November differs slightly from that of the draft enclosed

* See preceding note. † Not printed; see revised draft in No. 273. ‡ No. 252. § No. 272.

in your letter. The modifications in question were made after semi-official discussion with the Foreign Office.

3. The Secretary of State will be glad to learn whether Lord Curzon concurs in the further modification suggested in Mr. Thomson's letter of the 4th December. It will be noted that Mr. Massey is anxious to be informed, before the Note is despatched, that the alteration suggested is accepted.

I am, &c.,

C. T. DAVIS.

Enclosure 1 in No. 273.

DEAR THOMSON,

30th November, 1923.

You will remember my mentioning to you that, in view of the conclusions of the meeting of the Imperial Conference Committee on the United States and C Mandates on the 23rd October (see the paper marked E (M) first meeting) the Foreign Office would probably be wishing shortly to send a note to the United States Government on the particular question which the latter had raised as to their Treaty rights in Western Samoa.

This expectation has been fulfilled, and the Foreign Office have prepared the draft of a note to the United States Chargé d'Affaires, of which I enclose a copy. We shall be much obliged if you will let us know whether Mr. Massey concurs in its terms.

We understand that the Foreign Office would like to be in a position to send a note to the United States Government on this subject at an early date, more especially as a reply to their representations as to the position of United States nationals and goods in C Mandated Territories generally seems likely to be delayed for some time.

Yours sincerely,

E. J. HARDING.

F. D. Thomson, Esq., C.M.G.

United States Chargé d'Affaires.

SIR,

I HAVE the honour to inform you that His Majesty's Government have discussed with the Government of New Zealand the question dealt with in previous correspondence ending with Mr. Harvey's note No. 1071 of the 25th October,* with regard to the rights claimed by the United States in Western Samoa under Article 3 of the Convention concluded at Washington on the 2nd December, 1899, between the United Kingdom, Germany and the United States.

2. You will observe that it is provided in the same Article of that Convention that each of the three signatory Powers shall continue to enjoy in respect of their commerce and commercial vessels in all the islands of the Samoan group privileges and conditions equal to those enjoyed by the sovereign Power in all ports which may be open to the commerce of either of them. It will be remembered that in 1911 the United States authorities had exercised some discrimination against British ships trading between Pago Pago and Leone in Tutuila. On that occasion, inquiries were made of your Government, who stated that Leone was not a port of entry; but in the course of the correspondence which ensued the United States Government admitted that British ships were entitled to the same treatment as United States and German ships in this respect (see note from State Department to His Majesty's Ambassador at Washington 5th February, 1912, etc.). In the same year also a complaint was made by a British firm that bills of health were being issued gratis by the United States Consul at Apia to United States vessels trading between Apia and Pago Pago, while a charge was made for similar bills of health issued to British vessels trading on the same route. This complaint being brought to the notice of the United States Government, it was decided by the State Department in 1913 that the exaction of fees from British vessels, while United States vessels were exempt, was contrary to Article 3 of the Convention of 1899, and instructions were accordingly given for the collection of such fees to be discontinued (see note from State Department to His Majesty's Ambassador at Washington, 15th October, 1913). The United States Government were thus, in 1913, of opinion that the Convention prevented preference in this respect being given to United States ships trading with American Samoa.

* Enclosure in No. 251.

3. The Government of New Zealand have also called my attention to the fact that, owing to the operation of the United States coast-wise laws, British ships trading from New Zealand to San Francisco are no longer able to call at Honolulu and to carry goods and passengers between that port and San Francisco. Consequently, British ships can no longer call at Honolulu except those on the Vancouver mail service. It is, therefore, a matter of considerable importance to the Government of New Zealand that British ships trading between New Zealand and the United States should be able to call at Tutuila and, if necessary, to carry goods and passengers between that port and the United States under the same conditions as United States ships.

4. In the circumstances the Government of New Zealand would be willing to consider the request of the United States Government for national treatment for their commerce and commercial vessels in Western Samoa provided the United States Government on their part are willing to give a specific assurance of their understanding that Article 3 of the Convention of 1899 ensures to British commerce and commercial vessels national treatment in that part of Samoa under United States administration.

Enclosure 2 in No. 273.

Prime Minister's Office, Hotel Cecil, W.C.,

4th December, 1923.

DEAR HARDING,

ON my return from Ireland to-day I have found your letter of the 30th ultimo, enclosing copy of draft note which the Foreign Office have prepared for transmission to the United States Chargé d'Affaires.

Mr. Massey generally approves of the draft, with the exception that in paragraph 4 he would much prefer that the reference to the New Zealand Government should be less definite than the present wording of the draft indicates. Accordingly, he suggests that paragraph 4 should read as follows:—

"In the circumstances it is probable that the Government of New Zealand would be prepared to consider the request of the United States Government . . . etc., etc."

Before the note is actually despatched, Mr. Massey would be glad to hear that the Foreign Office has agreed to make this alteration.

Yours sincerely,

E. J. Harding, Esq., C.M.G.

Colonial Office, S.W.1.

F. D. THOMSON.

60393

No. 274.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 12th December, 1923.)

[Answered by No. 275.]

SIR,

Foreign Office, S.W.1, 12th December, 1923.

IN reply to your letter of the 6th instant,* I am directed by the Secretary of State for Foreign Affairs to state that he agrees to all the amendments in the draft note to the United States Chargé d'Affaires respecting treaty rights in Samoa except that proposed by Mr. Massey in paragraph 4.

2. New Zealand is under the same obligation to give national treatment to United States commerce and ships in Western Samoa as the United States are to give similar treatment to British ships, et cetera, at Tutuila. It is, therefore, impossible for His Majesty's Government to claim such treatment in the one case and to use words which imply that it may not be conceded in the other. If, therefore, as is understood semi-officially from your department, Mr. Massey feels unable to commit his Government to the acceptance of the note with paragraph 4 as originally drafted, it is proposed to defer despatch of the note until Mr. Massey has returned to New Zealand and can explain the matter to his colleagues, unless the United States Government press for an answer.

3. In the meantime it will not be possible for His Majesty's Government to claim national treatment for British ships at Tutuila.

I am, &c.,

G. R. WARNER.

* No. 273.

61177

No. 275.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 20th December, 1923.

WITH reference to your letter of the 12th December,* I am directed by the Duke of Devonshire to transmit to you, for the information of the Marquess Curzon of Kedleston, a copy of further correspondence with the Secretary of the New Zealand Delegation to the Imperial Conference, regarding the proposed note to the United States Government on the subject of rights arising under the Convention of the 2nd December, 1899, relating to Samoa. The terms of the letter to Mr. Thomson of the 14th December were settled after semi-official discussion with the Foreign Office.

I am, &c.,

C. T. DAVIS.

[60393]

Enclosure 1 in No. 275.

DEAR THOMSON,

14th December, 1923.

AS I mentioned to you at our discussion on the 12th December, we communicated to the Foreign Office Mr. Massey's suggestion referred to in your letter of the 4th December that the last paragraph of the draft note to the United States Chargé d'Affaires, as to the rights claimed by the United States Government in Western Samoa under the Convention of 1899, should be modified so as to read "In the circumstances it is probable that the Government of New Zealand would be prepared . . ."

The Foreign Office thought that this wording would make the terms of the note somewhat too indefinite, and we have accordingly put to them the alternative suggestion which was discussed with you and, we understand, would be acceptable to Mr. Massey, viz., that the draft note as sent to you in my note of 30th November should be modified as follows:—

(1) In paragraph 1, for "His Majesty's Government have discussed with the Government of New Zealand" read "His Majesty's Government have discussed with the Prime Minister of New Zealand";

(2) In paragraph 3, for "The Government of New Zealand have also called my attention" read "My attention has also been called";

(3) In paragraph 4, for "In the circumstances the Government of New Zealand would be willing" read "In the circumstances the Prime Minister of New Zealand thought that the New Zealand Government would be willing."

We find, however, that, in view of the difficulty which Mr. Massey feels in agreeing to the adoption of the wording of paragraph 4 of the original draft enclosed in my letter of the 30th November before there has been an opportunity of consulting the New Zealand Cabinet, the Foreign Office think that it would be best not to send any note to the United States Government on the subject until it is possible to intimate definitely the decision of the New Zealand Government on the United States claim.

In the circumstances, perhaps it would be best if we could tell the Foreign Office that Mr. Massey will arrange for a telegram to be sent to the Secretary of State as soon as the draft note has been considered by the New Zealand Cabinet on his return.

Yours sincerely,

E. J. HARDING.

F. D. Thomson, Esq., C.M.G.

Enclosure 2 in No. 275.

Prime Minister's Office, Hotel Cecil, W.C.,

15th December, 1923.

DEAR HARDING,

I AM in receipt of your letter of the 14th instant in regard to the draft note to the United States Government as to the rights claimed by the latter in Western Samoa under the Convention of 1899.

* No. 274.

The Prime Minister notes that the Foreign Office is of opinion that it would be best not to send any note to the United States Government until it is possible to indicate definitely the decision of the New Zealand Government, and in these circumstances Mr. Massey will submit the whole matter for the consideration of his Government on his return to the Dominion, when a telegraphic reply will be forwarded.

Yours sincerely,
F. D. THOMSON.

E. J. Harding, Esq., C.M.G.,
Colonial Office, S.W.1.

(5) Nationality of Inhabitants of 'B' and 'C' Mandated Territories.

4263

No. 276.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 24th January, 1923.)

THE Governor-General of New Zealand presents his compliments to the Secretary of State for the Colonies, and begs to enclose, for transmission to the Secretary-General of the League of Nations, a letter dated 27th November, from the Prime Minister of the Dominion, containing an explanation in connexion with the opinion* submitted in May, 1920, by Sir John Salmond (the then Solicitor-General of the New Zealand Government) on the question of the nationality of inhabitants of Western Samoa.

Government House,
Wellington,
18th December, 1922.

Enclosure in No. 276.

SIR,

27th November, 1922.

I HAVE to acknowledge receipt of the letter of the President of the Council of the League of Nations, dated 20th September last, forwarding the following documents:—

- (i) The Report of the Permanent Mandates Commission with Annexes;
- (ii) The Report presented by the Italian Representative, the conclusions of which were unanimously adopted by the Council at its meeting on 4th September, 1922;
- (iii) An extract from the Minutes of the meeting of the Council on the above date.

The New Zealand Government will be pleased to carefully consider and to carry out as far as possible such of the recommendations adopted by the Council as have application to the Mandated territory of Western Samoa.

I desire to refer to the report of the discussion which took place when the Permanent Mandates Commission was considering the question of the national status of inhabitants of "B" and "C" Mandated territories. This will be found in League of Nations Paper A. 36/1922, VI (C. 548 M. 330/1922, VI), Minutes of the Second Session held in Geneva, 1st to 11th August, 1922, pages 65-68. During this discussion Mr. Ormsby-Gore, the British representative on the Permanent Mandates Commission quoted from an opinion furnished on 11th May, 1920, by Sir John Salmond, the then Solicitor-General to the New Zealand Government, on the question of the nationality of inhabitants of Western Samoa. In connexion with this opinion of Sir John Salmond, the Minutes of the Second Session (page 68) contain the following record:—

"The Commission placed it on record that it did not understand the reference in Sir John Salmond's opinion, dated 11th May, 1920, to the right conferred upon the Samoans by the Peace Treaty to become incorporated within the British Empire."

* Enclosure 1 in No. 227 in Dominions No. 87.

I would point out that this opinion was given by Sir John Salmond some very considerable time before the actual Mandate for Western Samoa was adopted by the Council of the League of Nations as communicated to the Government of New Zealand as Mandatory. It is true that neither the Peace Treaty, as finally signed, nor the Mandate for Western Samoa, as issued by the Council of the League, confers any right on the inhabitants of Western Samoa to at any time take steps to become incorporated within the British Empire as part of the Dominion of New Zealand, if they so desire. But it must be remembered that when the question of the disposal of ex-German Samoa was considered by the Supreme Council of the Allied and Associated Powers at Paris in May, 1919, just one year before Sir John Salmond gave the opinion referred to, the draft Mandate, which was then provisionally agreed to as the basis of New Zealand's Administration of Western Samoa, contained the following article:—

"Article 6.—If at any time the native inhabitants of the Islands express a desire to be united with New Zealand, and if the Council of the League of Nations considers this desire on their part to be conscious and well-founded and calculated to promote their interests, the Allied and Associated Governments agree that effect shall be given to it by the Council of the League, and the islands shall thereupon be incorporated in New Zealand for all purposes, and the administration under this Convention shall be regarded as at an end; provided that all the undertaking set out in Article 3, including the prohibition against the establishment of military and naval bases or fortifications, shall be maintained and shall continue to operate in the islands after such incorporation."

This draft Mandate was communicated to me, as the Prime Minister and Plenipotentiary of the Dominion of New Zealand, at the Peace Conference, and was also published in the press of the Dominion. This was the authority for the reference in Sir John Salmond's opinion of 11th May, 1920, to which the Permanent Mandates Commission has drawn attention.

I deem it only right to Sir John Salmond that I should make this explanation to the Council of the League of Nations, and request that it be placed on record with the resolution of the Commission of 8th August, 1922, as previously quoted.

I have, &c.,

W. F. MASSEY,
Prime Minister.

The Secretary-General,
League of Nations,
Geneva.

8213

No. 277.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 12.45 p.m., 14th February, 1923.)

TELEGRAM.

[Answered by No. 278.]

(New Zealand.)
(Union of South Africa.)

14TH FEBRUARY. Following for your Prime Minister from Secretary-General, League of Nations:—

Begins: With reference to my letter 13th September,* question of national status of inhabitants "B" and "C" Mandate Territories will be on agenda of Council meeting 10th April. Ends.

—DEVONSHIRE.

* See enclosure in 10959: not printed; it forwarded copies of the Report of the Permanent Mandates Commission on the subject (see sub-enclosure in No. 231 in Dominions No. 87), and an extract from the proceedings of the Council (reported in enclosure in No. 231 in Dominions No. 87).

9744

No. 278.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.23 a.m., 23rd February, 1923.)

TELEGRAM.

[Answered by No. 282.]

23RD FEBRUARY. Your telegram 14th February.* New Zealand Government contend that inhabitants of Territory under Mandate "C" have national status of subjects of Mandatory Power and that no other national status can be admitted. My Government is so instructing its representatives and would be glad if you would inform other British Mandatories of their contention.—JELlicoe.

13557

No. 279.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 6.10 p.m., 16th March, 1923.)

TELEGRAM.

[Answered by Nos. 283 and 284.]

(New Zealand.)

(Union of South Africa.)

My telegram 14th February.* Following for your Prime Minister from Secretary-General League of Nations:—

Begins: President has approved agenda for meeting of Council 10th April, including question of nationality of inhabitants "B" and "C" Mandated Territories. Would [New Zealand] [South African] Government desire send representative under Article 4 paragraph 5 Covenant? If so, grateful for name of representative to whom will communicate later exact date consideration of subject. *Ends.*

—DEVONSHIRE.

14244

No. 280.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th March, 1923.)

(Confidential (2).)

Governor-General's Office, Cape Town,
2nd March, 1923.

MY LORD DUKE,

I HAVE the honour to transmit to Your Grace press extracts† regarding the national status of residents in South-West Africa and the future government of that country.

2. The question of national status was referred to a Commission in 1921 and a copy of the report submitted was forwarded with my despatch No. 228 of the 21st April, 1921.‡ The Commission drew attention to the natural reluctance of a considerable proportion of the older population (Germans) to fulfil the indispensable condition of exercising full political rights by becoming British subjects. They considered proposals that the Germans should acquire citizenship by application, or, alternatively, that they should all be naturalized by Statute, leaving it to the individual to renounce such naturalization by express declaration. The Commission favoured the latter course.

3. In December last the Advisory Council of the territory adopted resolutions favouring the establishment of some form of representative government and, with that end in view, the passage of a law conferring citizenship upon all who did not

* No. 277.

† Not printed here.

‡ 22985: not printed; it enclosed a copy of the report of the Commission.

make a statutory declaration declining that status. They considered that the great majority of the Germans would acquiesce in the application of such a law. Finally, the Council expressed the view that the territory should not become a fifth province of the Union at present.

4. The citizenship resolutions have been the subject of discussion at recent public meetings in Windhuk. At the first meeting the German residents voted solidly against the Council's proposal and suggested the creation of South-West Africa citizenship. The Germans held that it should be within the capacity of General Smuts, who took a large share in the creation of the League of Nations, to design some form of national status which would meet the needs of residents in mandated territory who are disinclined to accept the national status of subjects of the Power holding the mandate.

5. On the following night the Administrator held a public meeting, attended by all classes of white residents of Windhuk, for the purpose of explaining various proposals, notably those relating to the commando system and those made by the Advisory Council in respect of national status. It appears that the opposition to the latter was so strong that the Administrator thought it better not to put the issue to a vote.

6. At a subsequent meeting a few days later the British subjects of the district—under the leadership of men bearing Dutch names—adopted resolutions asking the Union Government to legislate in such a way that they may through their votes take part in the administration of the territory, and to apply to the territory the naturalization laws of the Union with modifications to enable residents in South-West Africa to acquire Union citizenship forthwith. A motion advocating the citizenship proposals of the Commission and Advisory Council was lost—only some six persons out of 500 present voting in its favour.

7. In my despatch Confidential of the 6th September* I expressed the conviction that the Germans in South-West Africa would not respond to an invitation to embrace British citizenship voluntarily and that an attempt to forcibly proclaim them British subjects would be met with a display of hostility. But I am still of the opinion that the latter method would be accepted with resignation and even with secret satisfaction, always provided that unqualified compulsion is exercised. Unfortunately the Administration has endeavoured to steer a middle course and has offended the *amour propre* of the Germans by consulting them on a question, the discussion of which must be extremely distasteful to them. I am convinced that the future welfare of the Germans and the prosperity of the territory depend upon the establishment of a measure of representative government and that this ambition can only be realized by the adoption of a common nationality which, for obvious reasons, must be British. At the present moment His Majesty's subjects are in the majority in the territory and there are plenty of precedents in Europe to justify the compulsory enrolment of minorities as subjects of a foreign nation.

8. In conclusion, I wish again to emphasize my opinion that nothing short of absolute compulsion will solve the national status problem in South-West Africa, and I think the Union authorities are ill-advised to consult the Germans on the question or to encourage them to hope that any alternative will ever be considered.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

15002

No. 281.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.40 a.m., 23rd March, 1923.)

TELEGRAM.

23RD MARCH. My Prime Minister informs me that Secretary-General of League of Nations has inquired whether Australia would desire to be represented at discussions by Council of League at April meetings of nationality of inhabitants of territories under mandate. Reply sent that Commonwealth does not desire

* No. 233 in Dominions No. 87.

separate representation and would request that British Government permit British representative to act for itself. Commonwealth Government now ask that British representative be so instructed. Views of Commonwealth Government are stated in my telegram of 10th May, 1922,* and Minister desires British representative should put forward these views, laying stress on the desire of Commonwealth Government to retain full right to grant naturalization to individual applicants.—GOVERNOR-GENERAL.

13528

No. 282.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.10 p.m., 23rd March, 1923.)

TELEGRAM.

[Answered by No. 286.]

Your telegram 23rd February.† As regards "B" Mandated Territories view of His Majesty's Government has been that native inhabitants although entitled to protection of Mandatory Power are not thereby invested with nationality of that Power. See pages 8 and 9 League of Nations print C.54 (a), M.45, 1922, VII, 12th January, 1922.

Similar view I gather was held by Salmond, see first part of his Opinion 11th May, 1920.‡ It is not quite clear whether your Ministers now take view that these persons have status other than that of protected persons, and we should be grateful for fuller information. We appreciate difficulty caused by use of expression "granted a national status wholly distinct from that of nationals of Mandatory Power" in first resolution of Permanent Mandates Commission in print C.546/1922, VI, 19th August, 1922, and think that position would be better expressed by general proposition to the effect that it is desirable that native inhabitants who receive protection of Mandatory Power should in each case be designated by some form of descriptive title which will identify them as such, e.g., in case of territory mandated to New Zealand designation might be protected persons, natives of Western Samoa. Meanwhile, we are not communicating with Government of Commonwealth of Australia and Government of Union of South Africa, but copies of telegraphic correspondence are being sent to British Representative on Council.—DEVONSHIRE.

15849

No. 283.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.15 p.m., 27th March, 1923.)

TELEGRAM.

27TH MARCH. Your telegram of 16th March.§ Following from my Prime Minister:—

Begins: Meeting of League Council. Question of nationality of inhabitants of mandated territory is one in which Union Government is deeply interested. I have accordingly nominated High Commissioner, Sir Edgar Walton, to represent Union at meetings of the Council. *Ends.*

—ARTHUR FREDERICK.

15850

No. 284.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.45 a.m., 28th March, 1923.)

TELEGRAM.

28TH MARCH. Your telegram of 16th March.§ Following for Secretary-General, League of Nations, from my Prime Minister:—

Begins: New Zealand Government has requested High Commissioner for New Zealand to represent it at meeting 10th April. *Ends.*

—JELICOE.

* No. 230 in Dominions No. 87. † No. 278. ‡ Enclosure 1 in No. 227 in Dominions No. 87. § No. 279.

16288

No. 285.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 2.20 p.m., 2nd April, 1923.)

TELEGRAM.

(New Zealand.)

(Union of South Africa.)

2ND APRIL. Following for your Prime Minister from Secretary-General, League of Nations:—

Begins: With reference to my telegram 16th March.* Date of Council Meeting will be 16th April, not 10th April. *Ends.* High Commissioner is being informed accordingly.—DEVONSHIRE.

17367

No. 286.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.45 a.m., 7th April, 1923.)

TELEGRAM.

7TH APRIL. Your telegram 14th February,† my telegram of 23rd February,‡ your telegram of 23rd March.§ New Zealand Government, while unable to agree to grant such a national status to Samoans as is suggested in the Resolution of the Permanent Mandate Commission, is not unwilling to accept such a general proposition and designation as is suggested in your telegram of 23rd March.—JELICOE.

17367

No. 287.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Commonwealth of Australia. No. 139.)

(Union of South Africa. No. 86.)

[MY LORD,] [SIR,]

Downing Street, 10th April, 1923.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] to be laid before your Ministers, a copy of correspondence with the Governor-General of New Zealand arising out of the invitation addressed to the Governments of the Commonwealth of Australia, New Zealand, and the Union of South Africa to send representatives to the forthcoming meeting of the Council of the League of Nations, when the question of the nationality of inhabitants of "B" and "C" Mandated Territories will be under discussion.

2. Copies of this despatch and its enclosures are being communicated to the [British Representative on the Council] [High Commissioner] in connexion with your telegram¶ of the [23rd] [27th] March.

I have, &c.,

DEVONSHIRE.

* No. 279. † No. 277. ‡ No. 278. § No. 282. ¶ Nos. 278, 282 and 286. ¶ Nos. 281 and 283.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.

Confidential.)

[MY LORD,] [SIR,]

Downing Street, 25th May, 1923.

WITH reference to [my despatch No. 139 of the 10th April*] [Your Excellency's telegram of the 7th April†] [my despatch No. 86 of the 10th April*] and previous correspondence, I have the honour to request [Your Excellency] [you] [Your Royal Highness] to inform your Ministers that the question of the nationality of inhabitants of "B" and "C" Mandated Territories was discussed at a public meeting of the Council of the League of Nations on the 20th April,‡ when it was decided to request a drafting Committee to prepare resolutions to be adopted on the subject.

2. At a private and informal meeting of the Council held on the 21st April, the Council considered the draft resolutions prepared by the drafting Committee, together with the text of a declaration made by the representative of the Union of South Africa. Copies of the minutes of this meeting are enclosed: these minutes will not appear in the published records of the proceedings of the Council, and they should be regarded as confidential.

3. I enclose copies of the final resolutions adopted by the Council on the 23rd April, and of a further resolution taking note of the declaration of the Union representative: copies of this declaration are also enclosed.

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 288.

NOTES OF A PRIVATE MEETING OF THE COUNCIL.

(Held at 10 a.m. on 21st April, 1923.)

Status of the Inhabitants of B and C Mandated Territories.

THE President presented a series of draft resolutions proposed by the drafting committee appointed by the Council at a previous meeting, together with the text of a declaration of the representative of South Africa.

He proposed that the declaration should first be discussed, as it involved a question of principle.

M. Jean Gout explained that the text of the draft resolutions had been unanimously adopted by the drafting committee.

The Marquis Theodoli, Chairman of the Mandates Commission, said that the text of the resolutions had been unanimously adopted, but that he had found it necessary to abstain from voting on the declaration of the representative of South Africa. This declaration was not consistent with the considered opinion formed by the Mandates Commission during the two years in which it had studied the problem of status.

Sir Edgar Walton said that the South African Government had endeavoured for two years to carry out the principles defined and recommended by the Mandates Commission, but had found that no practical solution could be found upon these lines. The South African Government, therefore, asked the Council not to raise any objection to the method which it proposes to adopt.

The President suggested that the members of the Council should vote upon the declaration individually.

M. Jean Gout inquired whether a vote in the affirmative implied that the Council approved the plan of the South African Government.

M. Salandra thought that an affirmative vote certainly implied approval.

M. Hymans agreed. The proposal to approve the declaration put certain members of the Council in an embarrassing position. The Mandates Commission

* No. 287. † No. 286. ‡ See No. 23583 in Miscellaneous No. 362 (Mandates).

had discussed the question over a long period, and had taken a different view. He would hesitate without further discussion and examination of the question to approve the declaration by an affirmative vote.

M. Hanotaux said that there were two questions before the Council. Did the declaration embody a policy which was contrary to Article 22 of the Covenant? Secondly, could the Council, as a body responsible for the welfare of the inhabitants of the mandated territories approve the plan of the South African Government?

The declaration of the representative of South Africa introduced a new factor, namely, the position of European colonists in mandated territories. This factor had not been present in the minds of those who had drafted Article 22.

M. Adatci said that the Japanese member of the Mandates Commission contended that the case of South Africa could not be considered as an isolated case. He thought the Council should hear the views of the Mandates Commission before coming to a decision.

M. Hymans supported this proposal. He had not yet had an opportunity of consulting the Belgian member of the Commission.

The Marquis Theodoli said that the views of the Commission were contained in reports which had been at the disposal of the Council for some time. The Mandates Commission was anxious that a solution of this problem should be found without infringing in any way the principle of the mandate. The method recommended by the Mandates Commission was the nationalization of the inhabitants of the territory individually.

The President said that at the conference held in London two years ago the attitude of the British Government had not been sympathetic to the request of South Africa. Two years, however, had intervened, and no satisfactory practical solution had been found upon the lines recommended by the Mandates Commission. He had not been prepared to support the South African point of view on reaching Geneva, but on hearing that the South African proposals concerned only the German population in South West Africa, and on realizing the serious difficulties of the South African Government, he had changed his opinion. The Council should recognize the facts, and endeavour to assist General Smuts, who had stated that South Africa could not discharge her duties as a mandatory by applying the principles hitherto approved. If the Council did not approve the declaration of the representative of South Africa, General Smuts would either have to abandon his responsibilities, or proceed without the authority of the Council. This would be painful for General Smuts, and disastrous for the principle of the mandate. He did not think the Council could refuse to endorse the declaration without making some alternative constructive proposal.

The Council might perhaps refer the question to a committee of jurists, which would be invited to state whether the declaration conflicted with the Covenant. Or the members of the Council might vote upon the declaration individually.

M. Salandra pointed out that the Mandates Commission had taken a general view of the question, whereas the Council was now concerned with the particular case. It was necessary to distinguish clearly between the natives and the Germans in South West Africa, and to limit the terms of any resolution adopted to cover only the populations of German origin.

M. Hymans said that this question had never been discussed by the Council. He had looked into the reports and found it difficult to ascertain precisely the views of the Commission. He suggested that the question should be postponed to the next session.

M. Adatci said he felt the force of the observations of the President, but he could only approve the declaration with some reserve, as he had not had an opportunity of consulting his Government.

M. Uden said he could not then and there approve the declaration. He would find it necessary to abstain.

M. Guani said he could only approve the declaration with the reserve that it did not conflict with the principles of Article 22.

Sir Edgar Walton said that he would be very sorry if the Council were unable to reach a decision during the present session. The South African Parliament would rise in June, and, as General Smuts would be leaving for Europe immediately afterwards, a whole year would be lost if a decision were not taken immediately.

M. Salandra, M. Hanatoux, and M. Quinones de Leon presented the following text:—

Le Conseil de la Société des Nations, vu le cas special et le fait qu'il ne s'agit que des habitants d'origine allemande prend note de la déclaration de la représentant de l'Afrique du sud, et ne voit aucun inconvénient aux mesures proposées.

The President proposed that the discussion should be postponed until the last meeting of the present session, when an endeavour would be made to reach a decision.

The proposal of the President was adopted.

Enclosure 2 in No. 288.

LEAGUE OF NATIONS.

NATIONAL STATUS OF THE INHABITANTS OF B AND C MANDATED TERRITORIES.

Resolutions adopted by the Council, 23rd April, 1923.

THE Council of the League of Nations,

Having considered the report of the Permanent Mandates Commission on the national status of the inhabitants of territories under "B" and "C" mandates, In accordance with the principles laid down in Article 22 of the Covenant.

Resolve as follows:—

- (1) The status of the native inhabitants of a mandated territory is distinct from that of the nationals of the Mandatory Power and cannot be identified therewith by any process having general application.
- (2) The native inhabitants of a mandated territory are not invested with the nationality of the Mandatory Power by reason of the Protection extended to them.
- (3) It is not inconsistent with (1) and (2) above that individual inhabitants of the territory should voluntarily obtain naturalisation from the Mandatory Power, in accordance with arrangements which it is open to such Power to make with this object under its own law.
- (4) It is desirable that native inhabitants who receive the protection of the Mandatory Power should in each case be designated by some form of descriptive title which will specify their status under the Mandate.

Enclosure 3 in No. 288.

SOCIÉTÉ DES NATIONS.

Communiqué aux Membres du Conseil.

C.340(1), 1923, VI.

Genève, le 21 avril, 1923.

RESOLUTION RELATING TO CERTAIN INHABITANTS OF SOUTH WEST AFRICA, ADOPTED BY THE COUNCIL, 23RD APRIL, 1923.

THE Council of the League of Nations, taking into consideration the special case presented to it and the fact that only the inhabitants of South West Africa alluded to in Article 122 of the Treaty of Versailles are concerned, takes note of the declaration made by the Representative of South Africa, and sees no objection to the proposed action.

Enclosure 4 in No. 288.

LEAGUE OF NATIONS.

(Communicated to the Members of the Council.)

Declaration of the Representative of South Africa.

THE Representative of South Africa ventures to bring before the Council the special practical conditions which present themselves on South West Africa.

The Government of South Africa has not utilized the right conferred upon it by Article 122 of the Treaty of Versailles and has not repatriated the German nationals resident in the territory entrusted to it under the mandatory regime.

The South African Government is anxious to enable the persons in question to take part in the public life of the territory, and is convinced that this object can only be obtained in practice by conferring on them the status of British subjects, each individual having, however, the free and unfettered right to decline to accept such status. 290

The South African Government considers that the proposed action would be in no way adverse to the interests of the indigenous population which, in accordance with Article 22 of the Covenant, it is the special duty of the Council to safeguard.

The South African Government, which exercises in the territory the authority derived from the approval of its mandate by the Council, is accordingly desirous of conferring British nationality on the inhabitants of South West Africa possessing German nationality, provided that:

- (a) Every such inhabitant shall have the right to decline British nationality by a declaration made in such conditions as may be prescribed:
- (b) Any person exercising this right shall nevertheless be entitled to remain in the territory and shall not be disturbed or molested on any pretext whatsoever in consequence of the exercise of such right.

The South African Government would be glad to be informed whether the Council sees any objection to the proposed action.

Note.—Further correspondence relating to the naturalization of inhabitants of "B" and "C" Mandated Territories is printed in Dominions No. 91 (Imperial Conference).

(6) Permanent Mandates Commission: Appointment of British Member.

3260

No. 289.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.24 a.m., 18th January, 1923.)

TELEGRAM.

(Paraphrase.)

MR. HUGHES sends following message:—

Begins: Your telegram 16th January*; Permanent Mandates Commission. No objection on my part. *Ends.*
—GOVERNOR-GENERAL.

3260

No. 290.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Commonwealth of Australia. }
(New Zealand. } Confidential.)
(Union of South Africa. }

[MY LORD,] [SIR,]

Downing Street, 15th February, 1923.

WITH reference to my telegrams of the 9th December,† and connected correspondence, I have the honour to request [Your Excellency] [Your Royal Highness] to inform your Ministers that the Council of the League of Nations at its recent Session decided to appoint the Right Hon. Sir Frederick Lugard, G.C.M.G., C.B., D.S.O., as Member of the Permanent Mandates Commission in succession to the Hon. W. Ormsby-Gore, M.P.

I have, &c.,
DEVONSHIRE.

* 1532: reminder; not printed.

† Nos. 234 and 235 in Dominions No. 87.

MEMEL.

Convention for transfer of sovereignty to Lithuania (Cmd.2235).

46359

No. 291.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 383.)

[MY LORD,] [SIR,]

Downing Street, 11th October, 1923.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, the accompanying copy of a despatch* from His Majesty's Chargé d'Affaires at Paris covering a copy of the draft Convention transferring the sovereignty of Memel to Lithuania.

[To Australia only: 2. In this connexion I would invite reference to your despatch No. 217 of the 9th of July† and previous correspondence regarding the application of Mr. F. H. Gronan, a citizen of Memel, for the release of property in New Guinea.]

I have, &c.,

DEVONSHIRE.

54048

No. 292.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 416.)

[MY LORD,] [SIR,]

Downing Street, 13th November, 1923.

WITH reference to my despatch Dominions No. 383 of the 11th of October,‡ regarding the draft Convention transferring the sovereignty of Memel to Lithuania, I have the honour to request [Your Excellency,] [Your Royal Highness,] [you,] to inform your Ministers that, on the 21st of September the Lithuanian Government declined to accept the Convention as drafted by the Ambassadors' Conference, a copy of which was enclosed in my despatch under reference.

2. The Ambassadors' Conference have accordingly referred the whole question, under Article 11 of the Covenant, to the Council of the League of Nations, before whom it will come in December.

I have, &c.,

DEVONSHIRE.

MOZAMBIQUE CONVENTION, 1909.

Renewal of Part I.

(Treaty Series 1923, No. 10.)

Note.—As a result of negotiations between the Government of the Union of South Africa and representatives of the Portuguese Government, an Agreement renewing Part I of the Convention of the 1st April, 1909, between the Government of the Transvaal and the Government of Mozambique was signed at Lisbon on the 31st March, 1923 (see Treaty Series 1923, No. 10). At the request of General Smuts, the Agreement was signed on the British side by His Majesty's Minister at Lisbon.

* Not printed; see Cmd. 2235 for text as signed. † No. 27411: not printed; it inquired what policy was being adopted as regards the release of property of citizens of Memel. ‡ No. 291.

MUSCAT.

Anglo-Muscat Treaty, 1891.

(Treaty Series 1892, No. 9.)

291

23140

No. 293.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

[Answered by No. 294.]

(Canada. No. 221.)

(Commonwealth of Australia. No. 194.)

MY LORD,

Downing Street, 12th May, 1923.

WITH reference to [Sir L. H. Davies' despatch No. 504 of the 12th of September last,*] [Your Excellency's despatch No. 431 of the 30th of October last,†] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a Note prolonging for one year from the 11th of February, 1923, the Commercial Treaty with Muscat of 1891.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 293.

NOTE.

WE, the undersigned, have agreed to what follows: That the Treaty of Friendship, Commerce, and Navigation between Great Britain and Muscat, signed on the eighth day of Shaban 1308 H., corresponding to the 19th March, 1891, will be prolonged by this writing, notwithstanding all or any correspondence between His late Highness Saiyid Faisal bin Turki and the Glorious British Government in the matter of the revision of that Treaty. And it will remain in force for a period of one year from this eleventh day of February, 1923, corresponding to the 24th Jamadi-al-Akhir 1341 H. unless a suitable treaty by agreement between His Highness the Sultan of Muscat and Oman and the Glorious British Government be substituted for that ancient treaty aforesaid. It is also understood that it shall be open to the Dominion of Canada and Commonwealth of Australia to withdraw from the aforesaid Treaty at any time on notice being given to that effect by His Majesty's Representative at Muscat.

In confirmation thereof, we, that is, I. Taimur bin Faisal, Sultan of Muscat and Oman, with my own hand, and I. Major M. E. Rae, duly authorized agent for that purpose on behalf of the Glorious British Government, have signed this writing and five copies and have affixed our seal thereto.

Done at Muscat this eleventh day of February, 1923, corresponding to the 24th Jamadi-al-Akhir 1341 H.

[Here follow the signatures.]

46853

No. 294.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 24th September, 1923.)

[Answered by No. 295.]

(No. 268.)

MY LORD DUKE,

Governor-General's Office, Melbourne, 15th August, 1923.

WITH reference to your despatch dated 12th May, 1923, No. 194,‡ enclosing copy of a Note prolonging for one year from 11th February, 1923, the Commercial Treaty with Muscat of 1891, I have the honour to inform Your Grace that it is the

* No. 243 in Dominions No. 87.

† No. 244 in Dominions No. 87.

‡ No. 293.

desire of the Commonwealth Government that an early opportunity be taken to give to the Sultan of Muscat and of Oman notice of the withdrawal of the Commonwealth of Australia from participation in the Treaty of 1891.

I have, &c.,

FORSTER,
Governor-General.

50653

No. 295.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 397.)

My LORD, Downing Street, 22nd October, 1923.

WITH reference to Your Excellency's despatch No. 268 of the 15th of August,* I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of a letter to the Government of India on the subject of the withdrawal of the Commonwealth of Australia from participation in the Commercial Treaty with Muscat, 1891.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 295.

SIR, India Office, London, S.W.1, 18th October, 1923.

WITH reference to your letter of the 4th April, relative to the Muscat Commercial Treaty of 1891, I am directed by the Secretary of State for India to enclose, for the information of the Government of India, copy of a letter from the Colonial Office† on the subject, and to request that an early opportunity may be taken to give to the Sultan of Muscat notice of the withdrawal of the Commonwealth of Australia from participation in the Treaty.

I have, &c.,

L. D. WAKELY.

The Secretary,
Foreign and Political Department,
Government of India.

NEW HEBRIDES.

(Treaty Series 1922, No. 7.)

Note.—The question of the New Hebrides was discussed at the Imperial Conference, 1923 (see minutes of the 14th Meeting on the 31st October, 1923, and Appendix II). The matter is referred to briefly on page 15 of the Summary of Proceedings of the Imperial Conference (Cmd. 1987).

* No. 294. † Not printed: it enclosed a copy of No. 294, and asked that steps might be taken as desired by the Commonwealth Government.

NORWAY.

Proposed Commercial Agreement with Australia.

3130

No. 296.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.11 a.m., 17th January, 1923.)

TELEGRAM.

[Answered by No. 299.]

17TH JANUARY. Your telegram 3rd January*; commercial agreement with Norway. Prime Minister informs me that matter is being held over for consideration by Commonwealth Government, therefore not possible to state when reply will be available.—GOVERNOR-GENERAL.

4898

No. 297.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 29th January, 1923.)

[Answered by No. 298.]

SIR,

Foreign Office, S.W.1, 27th January, 1923.

WITH reference to your letter of the 18th instant,† respecting the proposal of the Norwegian Government that negotiations for the conclusion of a commercial agreement should be opened with the Government of the Commonwealth of Australia, I am directed by the Secretary of State for Foreign Affairs to transmit to you herewith copies of a further note from the Norwegian Minister and of the provisional reply returned to him.

2. As the Australian Government are still unable to communicate their views on the subject, Lord Curzon would suggest for the consideration of the Duke of Devonshire that the Norwegian Minister might be informed that if his Government will submit to this Department definite proposals as to the text of the agreement, they will be duly communicated to the Australian Government for their consideration.

I am, &c.,

J. D. GREGORY.

Enclosure 1 in No. 297.

(No. 12/1923.)

Norwegian Legation,

MY LORD MARQUESS,

London, 16th January 1923

By a Note of 24th February, 1922‡ (No. 33/1922), I had the honour to inform Your Lordship that the Norwegian Government were desirous of opening negotiations with a view to concluding a temporary agreement as to the commercial relations between Norway and the Commonwealth of Australia, and that I therefore should feel grateful if you would kindly advise me of the British Government's opinion with regard to the most suitable way of procedure in this matter.

The Legation have since ventured to write to the Foreign Office on 20th April and 17th July, 1922, and on 20th December, 1922, M. Birkeland had the honour to write to Your Lordship on this matter.

I have, however, not yet received any definite reply as to the way of procedure His Britannic Majesty's Government deem suitable, and I have now been instructed by my Government to state that under the circumstances they take it that the British Government have no objection to Norway opening direct negotiations, through the Norwegian Consul-General at Melbourne, with the Australian authorities with a view to concluding a commercial treaty.

I have, &c.,

B. VOGT.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.

* 64229: reminder; not printed. † 3130: not printed: it enclosed a copy of No. 296.

‡ Enclosure in No. 245 in Dominions No. 87.

Enclosure 2 in No. 297.

(No. N. 601/143/30.)

SIR,

Foreign Office, S.W.1, 27th January, 1923.

I HAVE the honour to state that I have referred to the Secretary of State for the Colonies the note, No. 12/1923, which you were good enough to address to me on the 16th instant, respecting the desire of the Norwegian Government to open negotiations for the conclusion of a temporary commercial agreement between Norway and the Commonwealth of Australia.

2. In this connexion I beg leave to inform you that a telegram from the Governor-General of the Commonwealth of Australia has just been communicated to this Department by the Duke of Devonshire, stating that the question of the conclusion of such an agreement is being held over for consideration by the Commonwealth Government, and that it is, therefore, unfortunately difficult to state when it will be possible to send a reply to the Norwegian Government.

I have, &c.,
(For the Secretary of State).
J. D. GREGORY

Monsieur B. Vogt.

&c., &c., &c.

4898

No. 298.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 21st February, 1923.

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letter of the 27th January,* regarding the proposal of the Norwegian Government that negotiations for the conclusion of a commercial agreement should be opened with the Government of the Commonwealth of Australia, and to request you to inform the Marquess Curzon of Kedleston that he is forwarding copies of the correspondence enclosed in your letter to the Governor-General of the Commonwealth, and that meanwhile he thinks that the matter might well be left in abeyance.

2. It will, of course, be realized that preliminary communications between Dominion Governments and foreign consular representatives in the Dominions on commercial relations sometimes take place, and in this connexion I am to refer to Mr. Harcourt's despatch to the Governor of New Zealand of the 23rd July, 1912,† of which a copy was sent to the Foreign Office in the letter from this Department of the 25th July, 1912.‡

I am, &c.,
C. T. DAVIS.

4898

No. 299.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 302.]

(No. 78.)

MY LORD,

Downing Street, 21st February, 1923.

WITH reference to Your Excellency's telegram of the 17th January,§ I have the honour to transmit to you, to be laid before your Ministers, copies of correspondence with the Norwegian Minister regarding the proposal of the Norwegian Government that negotiations for the conclusion of a commercial agreement should be opened with the Commonwealth Government.

I have, &c.,
DEVONSHIRE.

* No. 297. † No. 523 in Dominions No. 45. ‡ 20267: L.F. § No. 296.
|| Enclosures in No. 297.

11352

No. 300.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.20 a.m., 5th March, 1923.)

TELEGRAM.

[Answered by No. 301.]

5TH MARCH. Your telegram of 24th March last.* Commonwealth Government would be glad to receive particulars of line regarding which the Norwegian Government desire to open negotiations for reciprocal commercial agreement.
—GOVERNOR-GENERAL.

20992

No. 301.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.30 p.m., 28th April, 1923.)

TELEGRAM.

[Answered by No. 302.]

YOUR telegram 5th March,† commercial agreement with Norway.
Norwegian Minister states his Government have taken no decision as to lines on which negotiations should be opened as they wish to be informed first that Government of Commonwealth of Australia agree in principle to negotiations being opened.—DEVONSHIRE.

29917

No. 302.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15th June, 1923.)

[Answered by No. 303.]

(No. 149.)

MY LORD DUKE, Governor-General's Office, Melbourne, 4th May, 1923.
WITH reference to Your Grace's despatch dated 21st February, 1923, No. 78,‡ covering a copy of correspondence with the Norwegian Minister in London regarding the proposal of the Norwegian Government that negotiations for the conclusion of a commercial agreement should be opened direct with the Commonwealth Government, I have the honour to inform you that I am advised by my Prime Minister that it is not proposed to take any action at present in the direction of considering commercial agreements with countries outside the British Empire. Further consideration will be given by the Commonwealth Government to proposals relating to such agreements after the Empire Economic Conference has taken place, and in the light of the conclusions resulting from that Conference.

I have, &c.,
FORSTER,
Governor-General.

* No. 246 in Dominions No. 87. † No. 300. ‡ No. 299.

33464

No. 303.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 278.)

My LORD,

Downing Street, 12th July, 1923.

WITH reference to Your Excellency's despatch No. 149 of the 4th of May,* I have the honour to transmit to you, for the information of your Ministers, a copy of a note addressed to the Norwegian Minister regarding the proposed commercial agreement between Norway and the Commonwealth of Australia.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 303.

SIR,

Foreign Office, S.W.1, 3rd July, 1923.

WITH reference to your note of 21st April regarding a proposed commercial agreement between Norway and the Commonwealth of Australia, I have the honour to inform you that the Australian Government have, on further consideration, decided for the present not to take any steps towards negotiating this Treaty until after the Empire Economic Conference, which I understand is due to meet in October next, has taken place.

I have, &c.,

(For the Secretary of State),

ESMOND OVEY.

Monsieur B. Vogt,
&c., &c. &c.

OBSCENE PUBLICATIONS INTERNATIONAL CONVENTION, 1923.

(League of Nations Treaty Series, Volume XXVII, pages 215-233.)

38717

No. 304.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 5.5 p.m., 6th August, 1923.)

[Answered by Nos. 305, 307, 308, 309 and 310.]

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

6TH AUGUST. In accordance with Resolutions adopted by Assembly League of Nations, 28th September, 1922, Government of France has invited His Majesty's Government and Dominion Governments to send representatives to International Conference on Obscene Publications first meeting of which will be held Geneva, 31st August. Do your Ministers desire to be represented, and, if so, who will be representative?—DEVONSHIRE.

* No. 302

39850

No. 305.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.45 a.m., 10th August, 1923.)

TELEGRAM.

9TH AUGUST. Your telegram 6th August.* Canadian Government does not propose to be represented at the International Conference on Obscene Publications first meeting of which is to be held Geneva on 31st August.—BYNG.

38717

No. 306.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 484.)

SIR,

Downing Street, 10th August, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a Note from the French Ambassador inviting His Majesty's Government and the Dominion Governments to send representatives to an International Conference on Obscene Publications, together with documents† relating to the Conference received from the Secretary-General of the League of Nations. It will be observed that the first meeting of the Conference is to be held at Geneva on the 31st August.

2. I shall be glad to learn whether your Ministers desire to be represented at this Conference and, if so, who will be their representative.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 306.

(W 6063/7/98.)

Ambassade de France, en Angleterre, Londres,

le 25 juillet, 1923.

MONSIEUR LE MARQUIS,

LA 3ème Assemblée de la Société des Nations en 1922 a chargé le Conseil d'inviter les divers Etats à lui faire connaître leurs observations sur le projet de Convention, relatif aux publications obscènes, élaboré en 1910, et en outre de prier le Gouvernement français de vouloir bien convoquer, sous les auspices de la Société des Nations, une nouvelle Conférence qui se tiendrait à Genève, à l'occasion de la 4ème Assemblée.

L'ordre du jour sera le suivant :

1°—examen du projet de Convention élaboré en 1910,

2°—examen des observations formulées par les divers Etats, et qui seront transmises à tous les Gouvernements par les soins du Secrétaire Général,

3°—élaboration et signature du texte définitif d'une Convention.

Je serais reconnaissant à Votre Seigneurie si Elle voulait bien faire part de cette invitation au Gouvernement de Sa Majesté et faire connaître directement, et aussitôt que possible, au Secrétaire Général de la Société des Nations à Genève, le nom de son plénipotentiaire. Mon Gouvernement serait heureux en outre si le Gouvernement de Sa Majesté voulait bien se charger de transmettre cette invitation aux Gouvernements de l'Inde et des Dominions.

Veuillez agréer, &c.,

SAINT AULAIRE.

Sa Seigneurie,

Le Marquis Curzon de Kedleston,

Principal Secrétaire d'Etat Pour les Affaires Etrangères.

* No. 304.

† Not reprinted.

40862

No. 307.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.55 p.m., 15th August, 1923.)

TELEGRAM.

15TH AUGUST. Your telegram of 6th August.* Obscene Publications Conference. As there is no trade in such publications in this country with Europe or elsewhere, Ministers do not consider special representation for the Union necessary, but would be glad if British representative could also represent Union.—ARTHUR FREDERICK.

41258

No. 308.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.20 a.m., 18th August, 1923.)

TELEGRAM.

18TH AUGUST. Your telegram of 6th August.* While appreciating invitation, New Zealand Government does not desire to be represented at International Conference Obscene Publications.—GOVERNOR-GENERAL.

41902

No. 309.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.24 a.m., 22nd August, 1923.)

TELEGRAM.

22ND AUGUST. Your telegram of 6th August.* Obscene Publications Conference. Commonwealth Government desires to be represented by Mr. Shepherd, Official Secretary in Great Britain.—GOVERNOR-GENERAL.

43807

No. 310.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3rd September, 1923.)

[Answered by No. 311.]

(No. 73.)

MY LORD DUKE, Government House, St. John's, 17th August, 1923.

I HAVE the honour to acknowledge the receipt of your telegram of the 6th August,* respecting the invitation from the Government of France to send Representatives to the International Conference on Obscene Publications.

2. My Ministers, while grateful for the courtesy of the invitation, do not wish to be represented at that Conference.

I have, &c.,
W. L. ALLARDYCE.

* No. 304.

51617

No. 311.

THE SECRETARY OF STATE to THE GOVERNORS.

(Newfoundland. No. 122.)

(Southern Rhodesia. No. 29.)

SIR,

Downing Street, 26th October, 1923.

[To Newfoundland only: With reference to your despatch No. 73 of the 17th of August,*] I have the honour to transmit to you, for the information of your Ministers, a copy of an International Convention for the suppression of the circulation of, and traffic in, Obscene Publications, signed at Geneva on the 12th of September, 1923.

2. It will be observed that Sir A. Bodkin in signing the Convention made a Declaration that his signature did not include any of the Colonies, Overseas Possessions, Protectorates or Territories under His Britannic Majesty's sovereignty or authority.

I have, &c.,
DEVONSHIRE.

Note.—Up to the end of 1923 the only Dominion on behalf of which the Convention had been signed was New Zealand.

PERSIA.

Agreement, 1920, modifying the Commercial Convention of 1903.

(Treaty Series 1920, No. 17.)

18

No. 312.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada. No. 37.)

(Commonwealth of Australia. No. 33.)

MY LORD,

Downing Street, 19th January, 1923.

WITH reference to my predecessor's despatch No. [493] [356] of the 10th of October, 1922,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a despatch from His Majesty's Representative at Tehran, relative to the withdrawal of the Canadian and Commonwealth Governments from the Anglo-Persian Agreement of the 21st of March, 1920. A translation of the Persian Government's Note of the 27th of September is enclosed. Copies of the other notes forwarded by His Majesty's Representative were enclosed in my predecessor's despatches No. [248] [190] of the 13th of May, and No. [493] [356] of the 10th of October.‡

2. As indicated in my predecessor's despatch, Dominions No. 236 of the 14th of June, 1921,§ His Majesty's Government do not regard the Persian Government's interpretation of Article 3 of the Agreement as well-founded, but hold that the wording of the Agreement is such as to give any of His Majesty's Oversea Dominions the right to free itself from all Treaty obligations with Persia in regard to the treatment of Persian subjects, goods and vessels, merely by giving notice to that effect. His Majesty's Government will, however, be glad to receive the observations of your Ministers as to the reply which should be returned to the Persian Government.

3. The circumstances in which the Anglo-Persian Agreement of the 9th August, 1919 (copies of which were enclosed in Viscount Milner's despatch, Dominions No. 673 of the 22nd August, 1919||), was denounced by the Persian Government, were dealt with by the Secretary of State for Foreign Affairs in a speech¶ in the House of Lords on the 26th July, 1921, a copy of which is enclosed. The denunciation was actually made by the Persian Prime Minister in a public proclamation issued by him on the 26th February, 1921.

I have, &c.,
DEVONSHIRE.

* No. 310. † No. 253 in Dominions No. 87. ‡ Nos. 252 and 253 in Dominions No. 87.
§ No. 210 in Dominions No. 81. || 49134: not printed; it enclosed a copy of the Agreement [Cmd. 300]. ¶ Not printed; see House of Lords Hansard, Vol. XLVI, cols. 13-19.

(No. 682.)

MY LORD,

British Legation, Tehran, 22nd November, 1922.

I HAVE the honour to transmit to Your Lordship, herewith, correspondence with the Persian Government ensuing from your despatches, Nos. 315 of the 2nd November, 1921, and 372 of 28th December, 1921, concerning the withdrawal of the Canadian Government and the Government of the Commonwealth of Australia from the Agreement of 21st March, 1920, modifying the Commercial Convention between the United Kingdom and Persia of 9th February, 1903. Your Lordship will observe that the Persian Government asks for an explanation of the action of these Governments, pending which it reserves its acquiescence therein.

On receipt of the Note of 27th September, I directed the Acting Counsellor of the Legation to explain the matter orally to the Head of the First Section at the Ministry for Foreign Affairs, pointing out that the Governments in question were merely exercising a right expressly laid down in the Agreement, and that all that was required was that the Persian Government should take act of the notification made to it. In reply to this representation, Muntakhab ul Mulk explained that the Persian Government interpreted the relevant passage of the 1920 Agreement as meaning that the Dominion and Commonwealth Governments were entitled to withdraw from the Agreement if Persia withdrew most-favoured-nation treatment from them, which she had not done (i.e., that the initiative lay with Persia). Mr. Monson explained that this was not at all the intention of the words "on condition of," but Muntakhab-ul-Mulk did not appear to be convinced, declaring that the Ministry for Foreign Affairs had acted in consultation with the Director-General of Customs, who agreed with their view.

Mr. Monson accordingly interviewed Monsieur Molitor on the subject, and found that, although he did not indeed take the obviously incorrect view attributed to him by Muntakhab-ul-Mulk, he also was indisposed simply to acquiesce in the action notified. He said that the question had been referred to him, and had for a long time puzzled him, because he could not imagine why Canada and Australia had taken this step. Finally it occurred to him that there might possibly be some misunderstanding, viz., that these Governments, having no doubt been informed by His Majesty's Government of Persia's denunciation of the Anglo-Persian Agreement of 1919, had thought it proper to make a formal notification of the cessation of their obligations under the Commercial Agreement of 1920, which was a consequence of the 1919 Agreement, and the only one which might practically affect them. This suggestion seemed rather far fetched, but the fact is that Monsieur Molitor, being unable to understand why the Governments in question wish to withdraw, clings to the belief that there is some mistake and can think of no other explanation. He had accordingly advised the Ministry for Foreign Affairs to ask for one.

Mr. Monson was unable to induce Monsieur Molitor frankly to admit that the texts of the Agreements of 1903 and 1920 give the Dominion and Commonwealth Governments the right to withdraw without stating their reasons for doing so. Monsieur Molitor pointed out that Article 2 of the 1903 Agreement was obviously intended as a precaution in favour of Persia, enabling her to retaliate if the Colonies ceased to grant her most-favoured-nation treatment, and if Canada and Australia had now simply stated that this was their intention, then the matter would have been quite plain. Mr. Monson replied that they had naturally followed the text of the later Agreement, and that it seemed to amount to the same thing. Monsieur Molitor grudgingly assented, but still clung to the belief that there is a misunderstanding, and therefore maintained his suggestion that an explanation should be asked for. He remarked that the matter was of little practical importance at present, as there was no trade with these Dominions, but that it would be difficult, without some explanation of the reasons for the step, to induce the Persian Government to acquiesce in it, because, being puzzled, they are suspicious.

I have the honour, therefore, to inquire of Your Lordship whether the Canadian and Australian Governments are disposed to offer any further explanation of their withdrawal, in order to ease the mind of the Persian Government.

I have, &c.,

PERCY LORAINE.

TRANSLATION.

FROM THE PRESIDENT OF THE COUNCIL TO HIS MAJESTY'S MINISTER. MIZAN 4, 1301 (27TH SEPTEMBER, 1922). No. 18976/1737.

MONSIEUR LE MINISTRE,

IN answer to Your Excellency's reply dated 5th August, I have the honour to state that in repeating the last passage of my note of 2nd August, No. 9157, I feel confident that Your Excellency will admit that the Persian Government is justified to ascertain the reasons for which Canada and Australia have announced their withdrawal from the Customs Agreement of 1920, so that it may be able to pass distinctly its opinion on this question, which is not free of ambiguity.

I avail, &c.,

QAWAM ES SALTANEH.

POLAND.

Commercial Treaty, 1923, most-favoured-nation Clause.

(Treaty Series 1924, No. 26.)

8985

No. 313.

BOARD OF TRADE to COLONIAL OFFICE.

Board of Trade (Commercial Relations and Treaties Department),

SIR,

Great George Street, London, S.W.1, 19th February, 1923.

WITH reference to correspondence ending with the letter which was addressed to you from this Department on the 20th September last,* regarding the proposed Commercial Treaty with Poland, I am directed by the Board of Trade to transmit to you herewith, for the information of the Duke of Devonshire, copy of a letter† which has been addressed to the Foreign Office on the subject.

I have, &c.,

H. FOUNTAIN.

Enclosure in No. 313.

EXTRACT FROM LETTER FROM BOARD OF TRADE TO FOREIGN OFFICE, DATED 13TH FEBRUARY, 1923.

9. Article 9. If the objection of the Polish Government to the retention of the second paragraph of this Article is likely to jeopardise the Treaty as a whole, the Board would not offer any strong objection to its omission. It might, however, be pointed out to the Polish Government that a similar paragraph exists in many Treaties of Commerce and Navigation between His Majesty's Government and foreign countries, and that, therefore, there appears to be no special reason why the Polish Government should object to the provision. At the same time the Board recognize that there is some force in the Polish contention, and there should probably be no real difficulty in the adherence to the Treaty of other parts of the Empire.

8985

No. 314.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 315.]

(Extract.)

SIR,

Downing Street, 2nd April, 1923.

WITH reference to your letter of the 30th September, 1922,‡ I am directed by the Duke of Devonshire to request you to inform the Marquess Curzon of Kedleston that he has received a copy of the letter from the Board of Trade to the Foreign Office of the 13th February§ regarding the proposed Anglo-Polish Commercial Treaty.

* 47080: not printed; it expressed concurrence in the proposal in paragraph 2 of No. 261 in Dominions No. 87. † Extract only printed here. ‡ 48665: not printed; it enclosed a copy of a despatch to His Majesty's Minister at Warsaw forwarding a copy of the letter referred to under *. § See enclosure in No. 313.

2. As regards Article 9 of the draft Treaty, the Secretary of State agrees that it should be pointed out to the Polish Government that the provision to which they take exception occurs in many other Treaties, but that, if insistence on the inclusion of this provision should jeopardize the Treaty as a whole, it should be abandoned. With regard to the concluding words of paragraph 9 of the letter from the Board of Trade, it is, of course, not possible to give an assurance to the Polish Government that any particular part of the Empire will adhere to the Treaty.

5. A copy of this letter is being sent to the Board of Trade.

I am, &c.,

C. T. DAVIS

19494

No. 315.

FOREIGN OFFICE to COLONIAL OFFICE.

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch* from His Majesty's Representative at Warsaw on the subject of the proposed Anglo-Polish Commercial Agreement, for such observations as the Secretary of State may desire to offer.

Foreign Office, 18th April, 1923.

Reference to previous correspondence: Letter to Foreign Office of 2nd April.†

(Similar letter sent to Board of Trade.)

Enclosure in No. 315.

EXTRACT FROM A DESPATCH FROM HIS MAJESTY'S REPRESENTATIVE AT WARSAW TO THE SECRETARY OF STATE FOR FOREIGN AFFAIRS DATED 11TH APRIL, 1923.

THE remaining Articles have consequently been re-numbered, Article IX becoming Article VIII, etc.

Article VIII. The second paragraph has been cut out in accordance with the Board of Trade's suggestion that it be dropped if, as has proved to be the case, the objections of the Polish Government to the special arrangements contemplated by the Board of Trade are maintained.

60968

No. 316.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.	} Dominions No. 479.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	
(Irish Free State. No. 759.)	
(Southern Rhodesia. No. 120.)	

Downing Street, 31st December, 1923.

[MY LORD,] [SIR,]
I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of an extract† from the *Board of Trade Journal* of the 13th of December, containing the text of a Treaty of Commerce and Navigation between the United Kingdom and Poland, signed at Warsaw on the 26th of November.

2. It will be observed that Article VIII, while making provision for the application of the Treaty to Dominions and Colonies, does not contain the usual

* Extract only printed here.

† No. 314. ‡ Pages 637-639 of *Board of Trade Journal* of 13th December, 1923.

provision by which, irrespective of accession to the Treaty, goods produced or manufactured in the Dominions and Colonies are granted most-favoured-nation treatment, subject to reciprocity. The draft Treaty prepared by His Majesty's Government included a stipulation to this effect, but the Polish Government raised difficulties as to its terms, and, as insistence on its insertion seemed likely to delay the completion of the negotiations, it was thought best not to press the point.

[To Irish Free State only: Similar despatches are being addressed to the Officers Administering the Government of the other self-governing Dominions.]

I have, &c.,

DEVONSHIRE.

61750

No. 317.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.	} Dominions No. 480. Confidential.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	
(Irish Free State. Confidential.)	
(Southern Rhodesia. Confidential.)	

[MY LORD,] [SIR,]

Downing Street, 31st December, 1923.

WITH reference to my [To all except Irish Free State and Southern Rhodesia: despatch Dominions No. 479*] [To Irish Free State and Southern Rhodesia: despatch No. [759] [120]*] of even date, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's Minister at Warsaw, forwarding copies of notes exchanged with the Polish Minister for Foreign Affairs, placing on record certain interpretations or reservations with regard to matters dealt with in the Anglo-Polish Commercial Treaty.

2. The Polish Government do not desire publication of the two notes dealing with—

- (1) the right of British subjects to acquire real property in Poland; and
- (2) the position of British companies.

[To Irish Free State only: Similar despatches are being sent to the other self-governing Dominions.]

I have, &c.,

DEVONSHIRE.

Enclosure in No. 317.

SIR W. MAX MULLER to THE MARQUESS CURZON OF KEDLESTON.

(Received 3rd December.)

(No. 524.)

MY LORD,

Warsaw, 26th November, 1923.

WITH reference to my telegram No. 161 of to-day's date, I have the honour to transmit herewith the text† of the Treaty of Commerce and Navigation signed by myself on behalf of His Majesty's Government, and on behalf of the Polish Government by M. Roman Dmowski, Minister for Foreign Affairs, and M. Szydlowski, Minister of Commerce, together with a copy of the full powers issued to these Ministers.

I have further the honour to enclose either in original or in copy the six notes exchanged between M. Dmowski and myself together with our respective acknowledgments‡ placing on record certain interpretations or reservations with regard to the following matters dealt with in the treaty:—

1. An assurance on the part of His Majesty's Government against the imposition on Polish goods of differential duties, under the powers conferred on them by Part II of the "Safeguarding of Industries Act, 1921."

* No. 316.

† Not printed; see Treaty Series 1924, No. 26.

‡ Acknowledgments not printed.

2. The promise of His Majesty's Government to sign a separate agreement or agreements for the recognition of shipping documents relating to passenger certificates, tonnage measurement certificates, and similar documents.
3. The right of British subjects or British companies to acquire real property in Poland.
4. The right of British companies in Poland to employ British staffs.
5. The application of the treaty to the territory of the Free City of Danzig.
6. A reservation regarding the grant of transit facilities to and from any country adjacent to Poland in the event of the frontier between Poland and that country being closed.

In discussing the question of the transit facilities to be reciprocally granted by the two Governments, the Polish negotiators raised the question of the passage through Poland of British passengers and goods in transit to, through or from Lithuania, as they feared that in accepting Article 5 of the Treaty without any reservation they would find themselves compelled to agree to differential treatment as between Polish and British goods on this frontier. This they very naturally refused to accept, and they expressed their intention of making a corresponding reservation in regard to the transit facilities granted by Article 5 until such time as Poland should have signed an agreement with Lithuania establishing normal traffic across the Polish-Lithuanian frontier for Polish goods and passengers. As the point of view of the Polish Government appeared to me reasonable and in accordance with the spirit of the stipulations of Article 5 as to transit being confined to routes in use convenient for international traffic, I agreed to accept and acknowledge the note on this subject mentioned under No. 6.

In accordance with the wishes of the Board of Trade, as conveyed in their letter enclosed in your Lordship's despatch No. 613 of the 2nd November, I addressed a private letter to M. Dmowski, in which I expressed the hope that the Polish Government would agree that the Treaty should be brought into force as a provisional measure without awaiting formal ratification either from the moment of signature or within a brief period of that date. In his reply M. Dmowski expresses his regret that the Treaty as a whole cannot be enforced before ratification, as such a measure would not be in accordance with the Polish Constitution. He promised, however, to make inquiries whether separate articles of the treaty cannot be brought into force provisionally, on the basis of reciprocity, by the issue of temporary regulations for this purpose, and to inform me of the result of his inquiries at the earliest possible moment.

Copies of these letters are also enclosed.

At the request of the Polish Government the following verbal alterations were made in the text of the treaty:—

Article 5, § 6.—After the words "transit of arms," insertion of the word "munitions."

Article 10, § 1.—After the words "fifteen days after," insertion of the words "the exchange of instruments of."

Article 10, last §.—Altered to "Done in duplicate, each in English and Polish, both authentic, at Warsaw," etc.

The draft of the British consular certificate of origin, transmitted with your Lordship's despatch No. 524 of the 15th September, 1923, together with a Polish translation, is attached to the text of the treaty (Annex 2).^{*} A form of certificate to be introduced by the Polish authorities for the import of goods into Poland, together with an English translation, is also attached (Annex 1).^{*}

I desire to draw your Lordship's special attention to the great assistance afforded to me by Mr. Kimens, commercial secretary to His Majesty's Legation, throughout the protracted and difficult negotiations for the conclusion of the commercial treaty. His intimate acquaintance with the Polish character, and also with the Polish language, has proved invaluable, and I am glad to be able to have this opportunity of expressing officially my grateful appreciation of the service which he has rendered to me in connexion with the conclusion of this Treaty.

I have, &c.,

W. G. MAX MULLER.

^{*} Not printed.

Sub-enclosure 4.

SIR W. MAX MULLER to M. DMOWSKI,

(No. 240.)

M. LE MINISTRE,

Varsovie, le 26 novembre, 1923.

J'AI l'honneur de porter à la connaissance de votre Excellence que j'ai référé à mon Gouvernement le désir du Gouvernement polonais d'insérer dans le Traité de Commerce et de Navigation entre le Royaume-Uni et la Pologne une clause garantissant la Pologne contre l'imposition de droits de douane pour cause de la dépréciation du change en vertu de la loi "Safeguarding of Industries Act, 1921."

Le Gouvernement de Sa Majesté britannique présume que le Gouvernement polonais a en vue les pouvoirs qui lui ont été donnés en vertu de la Partie II de la loi "Safeguarding of Industries Act, 1921," de fixer, pour cause de la dépréciation du change, des droits de douane sur les marchandises de tout genre ou catégorie (à l'exception de comestibles et boissons) produites dans un pays autre que le Royaume-Uni parce qu'elles sont vendues ou offertes dans le Royaume-Uni à des prix qui, par suite de la dépréciation vis-à-vis de la livre sterling de la valeur du change dans le pays dans lequel les marchandises peuvent être produites, sont inférieurs aux prix auxquels les mêmes marchandises peuvent être produites avec profit dans le Royaume-Uni (section II (1) (b) de la loi).

En rapport avec le ci-dessus, je dois attirer l'attention de votre Excellence sur le paragraphe (b), section II (3), qui stipule qu'aucune disposition ne peut être prise conformément à la Partie II de la loi qui serait en contradiction avec les stipulations de tout traité, convention ou accord en vigueur. En vertu de cette clause, le Gouvernement de Sa Majesté britannique en cas de la conclusion du traité avec la Pologne serait, d'après l'article 2 de ce traité, privé du droit de publier tout ordre pour le prélèvement, pour cause de l'état du change polonais, de droits de douane sur les marchandises polonaises de tout genre ou catégorie qui ne sont pas imposés sur l'importation dans le Royaume-Uni des mêmes marchandises de n'importe quel autre pays étranger. En ce qui concerne les stipulations sur le change déprécié de la Partie II de la loi "Safeguarding of Industries Act, 1921," le Gouvernement polonais peut être assuré qu'aussi longtemps que le traité anglo-polonais reste en vigueur aucun droit de douane différentiel ne sera imposé sur les marchandises polonaises.

Finalement, je dois porter à la connaissance de votre Excellence qu'à l'époque de l'étude de la loi "Safeguarding of Industries Act, 1921," la même question fut soulevée par le Gouvernement italien, et que le Gouvernement de Sa Majesté britannique lui a donné une assurance au même sens basée sur l'article 2 du Traité de Commerce anglo-italien de l'année 1883.

Veuillez, &c.

W. G. MAX MULLER.

Sub-enclosure 6.

SIR W. MAX MULLER to M. DMOWSKI,

(No. 236.)

M. LE MINISTRE,

Varsovie, le 26 novembre, 1923.

EN me référant à l'article 4 du Traité de Commerce et de Navigation entre le Royaume-Uni et la Pologne, signé aujourd'hui, j'ai l'honneur de porter à la connaissance de votre Excellence que le Gouvernement de Sa Majesté britannique est prêt à signer séparément un accord ou des accords pour la reconnaissance réciproque des documents de navigation se rapportant aux certificats de voyageurs, des lettres de jauge et d'autres documents analogues.

Je tiens à observer que l'administration dans le Royaume-Uni des règlements à ce sujet est soumise à la législation anglaise et que le Gouvernement de Sa Majesté britannique a le pouvoir de reconnaître les certificats étrangers seulement dans le cas où les règlements du pays étranger en question, ainsi que l'administration de ces règlements, sont plus ou moins conformes aux règlements et à l'administration du Royaume-Uni.

Sans doute, le Gouvernement polonais désire maintenir sur mer le même niveau que celui maintenu par la Grande-Bretagne, et dès que les autorités polonaises et les experts techniques du Gouvernement de Sa Majesté britannique seront d'accord sur les différents points qui s'y rapportent, le Gouvernement de Sa Majesté britannique, de son côté, sera prêt à faire tout ce qui est dans son pouvoir pour faciliter et accélérer la conclusion d'un accord ou des accords avec le Gouvernement polonais concernant les différents points en question.

Veillez, &c.,

W. G. MAX MULLER.

Sub-enclosure 8.

M. DMOWSKI to SIR W. MAX MULLER.

(Confidentiel.)

M. LE MINISTRE,

Varsovie, le 26 novembre, 1923.

J'AI l'honneur de porter à la connaissance de votre Excellence que les demandes d'autorisation d'acquisition d'immeubles ou de droits immobiliers exigées par la loi du 24 mars 1920, relatives à l'acquisition d'immeubles par les étrangers, introduites avec l'approbation de la Légation de Sa Majesté britannique en Pologne par des ressortissants anglais ou des sociétés anglaises contrôlées par des ressortissants anglais et dont le Conseil d'Administration est composé en majorité de ressortissants anglais, seront agréées par le Gouvernement polonais dans le plus bref délai, à moins qu'elles ne soient reconnues comme ayant un caractère spéculatif ou comme étrangères à l'objet social de la société intéressée ou en contradiction avec les nécessités d'ordre public également opposables à des ressortissants polonais.

Veillez, &c.,

DMOWSKI.

Sub-enclosure 10.

M. DMOWSKI to SIR W. MAX MULLER.

(Confidentiel.)

M. LE MINISTRE,

Varsovie, le 26 novembre, 1923.

J'AI l'honneur de porter à la connaissance de votre Excellence qu'à condition de réciprocité, le Gouvernement polonais autorisera les sociétés civiles et commerciales anglaises opérant sur son territoire et contrôlées par des ressortissants anglais, à avoir, sans limitation de nombre ou de proportion, des administrateurs, directeurs ou employés anglais.

Veillez, &c.,

DMOWSKI.

Sub-enclosure 12.

M. DMOWSKI to SIR W. MAX MULLER.

M. LE MINISTRE,

Varsovie, le 26 novembre, 1923.

J'AI l'honneur de porter à la connaissance de votre Excellence que les dispositions du Traité de Commerce et de Navigation, qui a été signé aujourd'hui même entre la Pologne et le Royaume-Uni, s'étendront également au territoire de la Ville libre de Gdansk dès le jour de l'entrée en vigueur dudit traité.

Veillez, &c.

DMOWSKI.

Sub-enclosure 14.

M. DMOWSKI to SIR W. MAX MULLER.

M. LE MINISTRE,

Varsovie, le 26 novembre, 1923.

EN procédant à la date de ce jour à la signature du Traité de Commerce et de Navigation entre la Pologne et le Royaume-Uni, j'ai l'honneur de prier votre Excellence de bien vouloir prendre acte de la réserve suivante que le Gouvernement polonais se voit obligé de formuler au sujet de l'article 5 dudit traité :

"Aussi longtemps que la frontière entre la Pologne et un des pays limitrophes restera pour une raison quelconque fermée aux voyageurs ou aux marchandises de la Pologne ou du pays limitrophe en question, le Gouvernement polonais ne sera pas considéré comme tenu d'accorder au Royaume-Uni sur la frontière dudit pays les facilités de transit prévues par l'article 5."

Veillez, &c.,

DMOWSKI.

Sub-enclosure 16.

SIR W. MAX MULLER to M. DMOWSKI.

DEAR M. DMOWSKI,

Warsaw, 21st November, 1923.

My Government, who attach the greatest importance to a speedy settlement of the commercial relations between our two countries, have instructed me to endeavour to arrange that the commercial treaty, which I hope that we may be able to sign before my departure next Tuesday, should come into force as a provisional measure from the moment of signature without awaiting formal ratification.

Without this, considerable further delay is inevitable, as the new Parliament is not likely to assemble at Westminster before the middle of January, and it is likely to be well into February before it settles down to routine duties.

I may add that, in the case of treaties recently concluded by my Government with Spain and Czechoslovakia, it was arranged that the treaties should come into force immediately. I venture, therefore, to hope that the Polish Government may be able to take a similar course in regard to our commercial treaty so as to bring it into force as a provisional measure, either from the moment of signature or within a brief period, say, a fortnight, from that date.

Yours sincerely,

W. G. MAX MULLER.

Sub-enclosure 17.

M. DMOWSKI to SIR W. MAX MULLER.

MY DEAR SIR WILLIAM,

Warsaw, 24th November, 1923.

I BEG to acknowledge receipt of your letter of the 21st instant regarding the coming into force of the commercial treaty between our two countries.

I am afraid that the Treaty as a whole cannot be enforced before ratification, since a measure taken to that effect would be unconstitutional in Poland.

I am, however, making inquiries as to whether separate articles of the treaty could not come into force provisionally, on the basis of reciprocity, by the issue of temporary regulations for this purpose by the Minister concerned.

I will inform you as to whether such an arrangement could be carried out, or not, as soon as I receive the required information from my colleagues. The Polish Government is anxious not to cause any delay in the development of commercial relations between our two countries, and is therefore ready to agree in this case to an exceptional measure, if only the latter does not clash with the laws laid down by our Constitution.

Yours sincerely,

R. DMOWSKI.

POSTAL CONVENTION, 1920 [Cmd. 1537].

Position of the Irish Free State.

2075

No. 318.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th January, 1923.)

[Answered by No. 319.]

(No. 2.)

MY LORD DUKE,

Viceregal Lodge, Dublin, 10th January, 1923.

I HAVE the honour to inform Your Grace that the Irish Free State Government desire to obtain for the Irish Free State admission to the Universal Postal Union.

2. The Acts of the Postal Union Convention to which it is desired that the Free State shall adhere are—

(a) The Universal Postal Convention and

(b) The Agreement relating to the exchange of insured letters and boxes, with the proviso that this country does not desire to be a party to the arrangement specified in Article 11 of (a) relating to the withdrawal of correspondence from the post, etc. For this purpose, the Irish Free State desires to be included in the list of countries specified in Article I of the Final Protocol, Principal Convention.

3. The Irish Free State desires to be placed in Class I for apportionment of expenses of the International Bureau.

4. The Irish Free State equivalents of the basic postage rates (Letter Post) laid down in the Convention are as follows:—

Convention Rate.	Class of Postage.	Irish Free State equivalent.
50 Centimes.	Single letter rate	d. 3
25 „	Second letter rate	11
30 „	Postcard rate	1
10 „	Printed Papers, &c.	
5 „	Blind Literature	

Minimum rate for samples—1d.

Minimum rate for Commercial Documents—3d.

Registration Fee—3d.

Subject to the minimum charges shown, the rate for printed matter applies also to samples and commercial documents.

5. I have the honour to request that your Grace will move His Majesty's Government to take such steps as may be necessary to give effect to the Irish Free State Government's desire to be admitted as a member of the Universal Postal Union.

I have, &c.,

T. M. HEALY.

17913

No. 319.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 26th May, 1923.

WITH reference to my despatch No. 163 of the 24th March,* I have the honour to request Your Excellency to inform your Ministers that His Majesty's Government have given their most careful consideration to the question of the manner in which effect may be given to the desire of the Free State Government that the Irish Free State should be admitted to the Universal Postal Union.

* 18318: not printed; it intimated that the question raised in No. 318 was receiving the consideration of the Secretary of State for Foreign Affairs and the Postmaster-General.

2. The present position of the Irish Free State in regard to membership of the Union is not entirely free from doubt. On the one hand, the ratification of the Madrid Convention by the Postmaster-General in 1921 of course included the territory now forming the Irish Free State; on the other, Article 29 of the Convention includes as members of the Union, in addition to Canada, the Commonwealth of Australia, and the Union of South Africa, "the other Dominions, and the whole of the British Colonies and Protectorates." It is, however, not clear whether Article 29 would automatically include any Dominion constituted at a date subsequent to the ratification of the Convention.

3. As under Article 26 accessions to the Convention have to be notified diplomatically to the Swiss Government, the question appears to be whether, in the first instance, the accession of the Irish Free State will be accepted by that Government in its capacity as headquarters government. It is in any case very desirable that the status of the Irish Free State as a separate postal administration should be notified as early as possible to the Postal Union.

4. The question of membership of the Union, however, is entirely distinct from the further question whether a member of the Union can be considered as a single administration under Article 29 of the Postal Union Convention and can in that capacity exercise a vote at Postal Union Congresses and contribute as an independent member to the expenses of the International Bureau. There was a very strong feeling on the part of certain delegations at the Congress of Madrid against the grant of votes to Dominions and Dependencies; and it is clear that if an attempt were made to obtain a modification of Article 29 of the Madrid Convention and of Article XXXVII of the Detailed Regulations there would be no prospect of obtaining the unanimous vote by which alone Article 29 could be modified. Apart from this difficulty the procedure laid down in Article 28 of the Convention for obtaining a vote requires considerably over a year before a decision can be reached; and as the next Congress of the Union is due to take place next year there is clearly little to be gained by taking any preliminary steps before the Congress.

5. A further advantage to be gained by reserving this question for the Congress is that the decisions of a Congress are taken by a simple majority irrespective of the character of the proposals.

6. In all the circumstances, therefore, His Majesty's Government have thought it best formally to notify the adhesion of the Irish Free State to the Postal Union to the Government of the Swiss Confederation under Article 26 of the Madrid Convention and at the same time to advise that Government that it is proposed to raise at the Congress of Stockholm the question of obtaining a separate vote in the affairs of the Union for the Irish Free State; and that in the meantime it is presumed that for the purposes of contributing to the expenses of the Union the Free State cannot be placed in a definite category under Article XXXVII of the Detailed Regulations of the Madrid Convention, but will continue provisionally to be classified among the British Dominions, Colonies, and Protectorates specified in paragraph 5 of that Article.

7. I enclose, for your Ministers' information, a copy of a despatch to His Majesty's Minister at Berne instructing him to address a formal intimation to the Swiss Government on the lines of the preceding paragraph.

8. In conclusion, in view of the terms of the undertaking given to the late Provisional Government of Ireland in the letter from the Colonial Office of the 2nd May, 1922,* that, as regards Conventions already in force which apply to the Irish Free State, His Majesty's Government would at the instance of the Free State Government, take the necessary steps with a view to placing the Irish Free State in the same position as the other self-governing Dominions, His Majesty's Government will be glad to learn whether your Ministers would desire the British Delegation formally to propose at the next Congress that the Irish Free State be admitted as an independent member of the Union with a separate vote or whether they would prefer to request another self-governing Dominion to take this step with the support, if necessary, of the British Delegation.

I have, &c.,

DEVONSHIRE.

* No. 152 in Dominions No. 87.

[23650]

Enclosure in No. 319.

(No. 109.)

SIR,

Foreign Office, S.W.1, 5th May, 1923.

I HAVE to inform you that the Government of the Irish Free State, now one of His Majesty's self-governing Dominions, and constituting a distinct postal administration, have expressed their desire to secure recognition of the Irish Free State as a member of the Universal Postal Union, and to accede to (1) the Universal Postal Convention and (2) the Agreement relating to the exchange of insured letters and boxes, as signed at Madrid on 30th November, 1920, with the proviso, in the case of (1), that the Irish Free State does not desire to be a party to the arrangement specified in Article 11 relating to the withdrawal of correspondence from the post, &c. For this purpose the Irish Free State wish to be included in the list of Dominions specified in Article 1 of the Final Protocol to the Principal Convention.

2. The sums adopted by the Post Office of the Irish Free State as the equivalents of the postage rates laid down by Article 6 of the Principal Convention are:—

Convention rate in gold centimes.	Irish Free State equivalent Pence.
50	3
25	1½
30	1½
10	½
5	¼

3. I shall accordingly be glad if you will address a formal intimation to the Swiss Government to this effect. In making this communication you should add that it is proposed to raise at the next meeting of the Postal Union Congress at Stockholm the question of obtaining a separate vote in the affairs of the Union for the Irish Free State, and that in the meantime it is presumed that the Free State cannot be placed in a definite category for the purpose of contributing to the expenses of the Postal Union.

4. For your information I transmit to you a copy of the despatch from the Governor-General of the Irish Free State regarding the wishes of his Government in the matter.

I am, &c.,

F. E. F. ADAM.

O. A. Scott, Esq., D.S.O.,
&c., &c., &c.

35488

No. 320.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 321.]

(Confidential.)

SIR,

Downing Street, 17th July, 1923.

I HAVE the honour to request Your Excellency to invite the attention of your Ministers to the last paragraph of my Confidential despatch of the 26th May,* regarding the admission of the Irish Free State to the Universal Postal Union.

2. The proposals which the British Delegation will put forward at the Postal Union Congress appointed to meet at Stockholm will be communicated to the International Bureau of the Postal Union during the first part of next month.

3. In these circumstances His Majesty's Government will be glad to learn as soon as possible whether it is the wish of your Ministers that the British Delegation should propose that the Irish Free State be admitted as a separate member of the Union with a separate vote.

4. No communication has yet been received from His Majesty's Minister at Berne in reply to the despatch of which a copy was enclosed in my despatch under reference.

I have, &c.,

DEVONSHIRE.

* No. 319.

37797

No. 321.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 28th July, 1923.)

(Confidential.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 27th July, 1923.

I HAVE the honour to refer to Your Grace's Confidential despatch of the 17th instant,* regarding the admission of the Irish Free State to the Universal Postal Union and to state that my Ministers will be much obliged if the British Delegation to the Postal Union Congress will formally propose at the next Congress that the Irish Free State be admitted as an independent member of the Union with a separate vote.

I have, &c.,

T. M. HEALY.

PROPERTY RIGHTS AND INTERESTS.

Agreement under Article 297 Treaty of Peace with Germany.

(Treaty Series 1921, No. 6.)

16608

No. 322.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 3rd April, 1923.)

(No. 83.)

MY LORD DUKE,

Governor-General's Office, Cape Town, 16th March, 1923.

I HAVE the honour to transmit to Your Grace herewith, with reference to your despatch, No. 337, of the 7th December, 1922,† copy of a Minute from Ministers on the subject of the suggested extension to the Union of South Africa of the agreement of the 31st December, 1920, between the British and German Governments respecting Article 297 of the Treaty of Versailles.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 322.

MINUTE No. 162.

WITH reference to His Royal Highness the Governor-General's Minute No. 62/2668 dated the 29th December, 1922, Ministers have the honour to state that, in view of the legislation issued in the Union in execution of the Treaty of Versailles, they are of opinion that no practical advantage would be derived by extending the agreement of the 31st December, 1920, between the British and German Governments respecting Article 297 to the Union of South Africa.

Under Union legislation the assets of German nationals are returned in the form of certificates of credit, but there is nothing to prevent a German from re-purchasing his own property in specie. In the case of liquidated firms or businesses the original books and documents are returned to the former German owners on payment of any charges or expenses incurred in connexion therewith.

The Union custodian is in close touch with the German Consul-General, and arrangements have been made by virtue of which accounts such as are referred to in Article 13 of the agreement under review will be supplied to the Consul.—J. C. SMUTS.

* No. 320.

† No. 262 in Dominions No. 87.

301

ROUMANIA.

Commercial Agreement, 1923.

(Treaty Series 1923, No. 15.)

38646

No. 323.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 298.)

[MY LORD,] [SIR,]

Downing Street, 9th August, 1923.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,]
[you,] for the information of your Ministers, the accompanying copies of a Treaty
Series Paper (No. 15 of 1923), Cmd. 1925, containing notes exchanged between the
British and Roumanian Governments relative to the Commercial Relations between
the British Empire and Roumania.

[Not to New Zealand: 2. Further copies are being sent in Library despatch.]

I have, &c.,

DEVONSHIRE.

RUSSIA.

(1) British relations with Russia.

20979

No. 324.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND
GOVERNOR.

(Sent 8.40 p.m., 4th May, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)(Paraphrase.)
(Most Secret.)

ARISING out of the presentation to British Representative at Moscow of two
notes of unprecedented insolence in reply to a request that the lives of Roman
Catholic ecclesiastics might be spared, the Cabinet has been considering the question
of relations with the Russian Soviet Government with particular reference to the
continuance of anti-British propaganda by Soviet representatives, especially in
India, Persia and Afghanistan, and the treatment of British subjects and British
vessels by the Soviet Government. Cabinet has approved presentation to Soviet
Government of a Memorandum setting out these grounds of complaint and making
the following requests:—

(1) That the Soviet Government will repudiate and apologise for
instances of anti-British propaganda, evidence for which is set out in full
and is irrefutable, and that they will disown and recall the officials
responsible.

(2) That the Soviet Government will admit liability and will undertake
to pay compensation in the case of three British trawlers seized off the
Murmansk coast and in the cases of two British subjects whose claims have
already been thoroughly discussed with the Russians, viz., C. F. Davison,
who was murdered in 1920, and Mrs. Stan Harding. These two are put
forward as test cases without prejudice to similar claims for personal injuries,
treatment of which is stated to be for future discussion.

(3) That the Soviet Government will withdraw unequivocally offensive
communications sent to British Representative.

Hodgson is instructed in a covering despatch when presenting Memorandum
to inform the Soviet Government that unless they undertake to comply with requests
within ten days His Majesty's Government will recognize that Soviet Government
do not wish the existing relations between the Governments to be maintained, and
that they will consider themselves in accordance with paragraph 3 of Article XIII
Trade Agreement (Cmd. 1207) free from obligations of Agreement as from the
termination of that period. In these circumstances the Russian and British
Missions would have to leave London and Moscow as soon as practicable.

In communicating the above to your Ministers please explain that it is very
important that the utmost secrecy on whole subject should be maintained for the
time being, as it is impossible to foresee what action, as a result of presentation of
Memorandum, the Soviet Government may take in relation to the British Represent-
ative at Moscow, and it may consequently be necessary for His Majesty's Govern-
ment to take special action in relation to Russian Soviet representative in London.

The intention is that the Note should be presented about 10th May and pub-
lished in this country immediately thereafter. Hodgson has been instructed in the
event of his departure becoming imminent to warn all British subjects within reach
that it will be entirely at their own risk if they remain.—DEVONSHIRE.

20979

No. 325.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 9 p.m., 4th May, 1923.)

TELEGRAM.

[Answered by No. 326.]

(Paraphrase.)

4TH MAY. Most Secret. With reference to my telegram of to-day.* In
view of the effect of the termination of the Russian Trade Agreement on trade rela-
tions between Canada and Russia, as well as between this country and Russia, the
Cabinet were specially anxious to give to Canadian Government earliest possible
intimation of position.—DEVONSHIRE.

24568

No. 326.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.20 p.m., 14th May, 1923.)

TELEGRAM.

14TH MAY. Secret. Canadian Government appreciate the courtesy of His
Majesty's Government in giving them early intimation respecting the attitude of
the Soviet Government towards Imperial Authorities, and acquainting them with
memorandum which it is proposed to present to Soviet Government in the near
future.—BYNG.

Note.—Further telegrams were sent to the Dominions as to the progress of
negotiations ending with the following.

29535

No. 327.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 9.40 p.m., 13th June, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

SECRET. 13th June. My telegram 31st May.* Further note received from Russian Soviet Government who have now given way on all points except in regard to our request for transfer elsewhere of Russian Chargés d'Affaires, Kabul and Teheran. Krassin has, however, admitted that former already at Moscow and will not return to his post. Brief reply is being sent to Krassin summing up points on which agreement reached stating that understood that Russian representative Kabul would not return to his post and notifying that, if Russian representative Teheran remained at his post, and proof of further anti-British activities on his part came to our notice, we should insist on application to his case of general proposal made by Krassin to apply mutually, viz., that delinquent should be expelled from service. Text of correspondence is being published to-day. Cabinet regard this result as extremely satisfactory, and fully justifying attitude adopted last month.—DEVONSHIRE.

(2) Russian Trade Agreement [Cmd. 1207], Trade Mission to Canada.

10460

No. 328.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.
(No. 121.)

MY LORD, Downing Street, 13th March, 1923.

WITH reference to my predecessor's despatch No. 364 of the 24th of July last,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a Note from the Russian Trade Delegation regarding the proposal of the Soviet Government to send a Mission to Canada. I should be glad to learn what reply your Ministers would wish to be returned to this Note. In this connexion I enclose a copy of a telegram from His Majesty's Representative at Moscow reporting that the Soviet Concessions Committee has passed a resolution in favour of refusing the Canadian Pacific Railway Company the right to do shipping business in Russia and of closing the Company's offices in the territory of the Republic.

2. Copies of correspondence between the Foreign Office and the Russian Trade Delegation relative to the proposed Soviet Mission to Canada are enclosed for convenience of reference. This correspondence was communicated to the High Commissioner for Canada at the time; and the Foreign Office Note of the 6th December was founded on information received by the High Commissioner from Ottawa.

3. In the meantime, the Russian Trade Delegation has been informed that the refusal of the Government of Canada to accept the proposed Mission was due to objections to the personnel of the staff and not to any objection of principle against the reception of a Mission. This information also was founded on a message received by the High Commissioner from Ottawa.

I have, &c.,

DEVONSHIRE.

* 26949: not printed; it described the progress of negotiations.

† No. 267 in Dominions No. 87.

Enclosure 1 in No. 328.

M. KLISHKO, Assistant Official Agent of the Russian Soviet Government in Great Britain, presents his compliments to the Marquess Curzon of Kedleston, and, with reference to the Foreign Office communication of the 6th December, 1922, reference N.10604/567/38, begs to state that he is instructed by the People's Commissariat for Foreign Affairs to call his attention to the following facts:—

On the 3rd of July, 1922, Mr. Esmond Ovey, acting upon instructions from the Earl of Balfour, informed Mr. Berzin of the desire of the Government of the Dominion of Canada "that the provisions of the agreement between the Government of the United Kingdom and the Russian Soviet Government for the resumption of trade and commerce between the two countries which was signed in London on the 16th of March, 1921, should apply also to Canada," and proposed "that the provisions of that agreement shall be held to apply to the Dominion of Canada and to govern the relations between Canada and Russia."

The Note further requested that, should the Russian Government agree to this proposal, a Note in confirmation should cause the arrangements to be regarded "as being completed and having full effect as from the date of the present exchange of Notes."

M. Berzin's reply of the same date containing the Russian Government's assent to the above proposal made the arrangements duly "complete and having full effect" from that day's date, i.e., from the 3rd of July, 1922.

The above-mentioned Notes show clearly that all the three Governments concerned have agreed that the relations between Russia and Canada were from that date to be regulated by all the provisions of the Anglo-Russian Trade Agreement. In accordance with this, the Canadian Government has appointed Mr. Leonlyn Dana Wilgress to the post of Canadian Trade Representative in Russia, and the British Agent in Russia, under the instructions of His Majesty's Government, informed the People's Commissariat for Foreign Affairs to that effect in his *aide-mémoire* No. 239 of the 7th August, inquiring whether this appointment was acceptable to the Russian Government. The Russian Government regarded this appointment as coming under Article 5, paragraph 1, of the Anglo-Russian Trade Agreement, and, having no objection to Mr. Wilgress's candidature, accepted him as the Canadian Official Agent, of which fact the British Agent was informed by the People's Commissariat for Foreign Affairs in its *aide-mémoire* No. 3A/422 of the 23rd August, 1922.

The Russian Government likewise has appointed, as its Official Agents to Canada, Mr. Peter Voykoff and Mr. Gregory Weinstein, with Mr. Samuel Kahan and Mr. Maxim Divilkovsky included in their staff; and Mr. Berzin requested the British Foreign Office to inquire whether the above persons were acceptable to the Canadian Government.

More than two months have elapsed from the date of the above request, and, with the exception of a single letter from the British Foreign Office regarding a technical misunderstanding (cleared up at the time) as to the proposed staff of the Mission, no official intimation from the Canadian Government regarding the acceptability of the members of the Mission has been forthcoming. At last, on the 6th of December, the Foreign Office informs Mr. Berzin "that the Government of Canada has now replied refusing permission to Mr. Peter Voykoff, Mr. Gregory Weinstein and Mr. Samuel Kahan to visit that country."

It must be noted in this connexion that the British Government, as well as the Government of Canada, were fully aware of the purpose of the above-mentioned persons going to Canada. It could in no way be regarded as a mere visit to that country, and it is surprising that the British Foreign Office in its Note of the 6th of December should refer to it as to an intended visit, permission for which could be refused in the ordinary way. The Russian Government wished to send Mr. Peter Voykoff, Mr. Gregory Weinstein, Mr. Samuel Kahan and Mr. Divilkovsky, as seen from Mr. Berzin's Note of the 21st of September, in the capacity of members of the Official Mission to Canada, and the reply of the Canadian Government refusing to admit them can be regarded only as a refusal to admit to Canada Russian Official Agents as such, which amounts to a refusal to carry out one of the provisions of the Anglo-Russian Trade Agreement.

In view of the fact that the Russian Government is up till now not aware of the Canadian Government's ever having expressed its desire to rescind the arrangement of July 3rd, 1922, the People's Commissariat for Foreign Affairs would be glad if

the Foreign Office would be kind enough to inquire of the Canadian Government whether it intends to carry out the provisions of the Anglo-Russian Trade Agreement, including Article 5, paragraph I, and to admit to Canada Russian Official Agents with their staff.

It is also to be noted that there was no intention on the part of the Russian Government to include in the Official Mission Madame Kollontai, Mr. Nuorteva and Professor Tulaikov, mentioned in Mr. Gregory's letter of the 6th December, 1922.

Russian Trade Delegation,
128, New Bond Street, W.1.
10th January, 1923.

Enclosure 2 in No. 328.

TELEGRAM FROM MR. HODGSON (MOSCOW).

(Received 10.20 p.m., 23rd February, 1923.)

22ND FEBRUARY. No. 15 (R). Concession Committee has passed resolution in favour of refusing Canadian Pacific lessee right to do shipping business in Russia and closing Company's offices in territory of Republic. Pretext is that Canadian Government shirks fulfilment of its agreement with Soviet Government.

I have asked for explanation of allegation and have pointed out that as Company's representative was working legally in Russia before adhesion of Canada to Trade Agreement, charge, even if it could be sustained, would be no justification for proposed action.

Enclosure 3 in No. 328.

(J.B./12415.)

21st September, 1922.

M. BERZIN, Assistant Official Agent of the Russian Soviet Government in Great Britain, presents his compliments to the Marquess Curzon of Kedleston, and begs to state that in connexion with the Trade Agreement concluded the 3rd July, 1922, between his Government and Canada, his Government wishes to send a Mission to Canada under the Chairmanship of Mr. Peter Voikov. The Mission consists of:

Grigori Weinstein (Member),
Samuel Kahan (Secretary), and
Maxim Divilkovsky (Member of the Staff).

Mr. Kahan will be accompanied by his wife and seven-year-old son.

The Mission proposes to leave Russia on the 1st October next, and M. Berzin would be glad if the Marquess Curzon of Kedleston would approach the Canadian Government with a view to obtaining the necessary permission for the above to enter that country.

The Marquess Curzon of Kedleston,
K.G., C.S.I., G.C.I.E., &c., &c., &c.,
Foreign Office, Whitehall, S.W.1.

Enclosure 4 in No. 328.

(N.8765/13/38.)

SIR,

Foreign Office, S.W.1, 25th September, 1922.

WITH reference to your letter No. J.B./12435 of the 22nd instant, I am directed by the Marquess Curzon of Kedleston to inform you that, as a result of Monsieur Klishko's recent verbal enquiry, the competent department of His Majesty's Government was requested to ascertain whether the Government of Canada would be willing to admit Monsieur Nuorteva, Madame Kollontai and Monsieur Tulaikov as members of the trade mission which the Soviet Government proposes to send to that country.

2. Pending the receipt of a reply to this enquiry no guarantee can be given that Monsieur Tulaikov will be admitted to Canada nor can the facilities asked for in your letter under reference be granted.

3. No intimation has reached this department that Monsieur Tulaikov has ever received permission to visit this country, and I am to enquire whether he has in fact received such permission and by whom was it granted.

4. I am further to point out that in your letter, No. J.B./12415 of the 21st instant, the proposed mission is stated to consist of Monsieur Voikov, Grigori Weinstein, Samuel Kahan and Maxim Divilkovsky. This information would appear to conflict with that supplied by Monsieur Klishko, and it is not understood what the exact composition of the mission is now intended to be.

5. I am, therefore, to request that the requisite information on this point may be communicated to this department at an early date for transmission to the Canadian authorities.

I am, &c.,

J. D. GREGORY.

Monsieur Berzin,
Russian Trade Delegation,
128, New Bond Street, W.1.

Enclosure 5 in No. 328.

(N.10604/567/38.)

SIR,

Foreign Office, S.W.1, 6th December, 1922.

WITH reference to your memorandum, No. J.B./12435 of the 22nd of September, relative to the proposed Soviet Mission to Canada, I am directed by the Secretary of State for Foreign Affairs to state that the Government of Canada has now replied, refusing permission to Mr. Peter Voikov, Mr. Gregory Weinstein, Mr. Samuel Kahan, Mr. Nuorteva, Professor Tulaikov and Mrs. Kollontai, to visit that country.

I am, &c.,

J. D. GREGORY.

Monsieur Berzin,
Russian Trade Delegation,
128, New Bond Street, W.1.

13403

No. 329.

THE HIGH COMMISSIONER FOR CANADA to COLONIAL OFFICE.

(Received 16th March, 1923.)

Office of the Secretary, 19, Victoria Street,

London, S.W.1, 15th March, 1923.

DEAR SIR,

IN further reply to yours of the 13th instant,* and previous correspondence in connexion with the proposed Anglo-Russian Trade Agreement, I beg to inform you that I have to-day received from the Under Secretary of State for External Affairs, the following cable:—

"Your letter 23rd January last, Anglo-Russian Trade Agreement, Canada will be prepared to admit any persons forming a Russian trade delegation who may be approved by His Majesty's Government."

Yours faithfully,

LUCIEN PACAUD,

Joint Secretary.

34557

No. 330.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 331.]

(Confidential (2)).

MY LORD,

Downing Street, 30th July, 1923.

WITH reference to my despatch No. 121 of the 13th of March,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a memorandum from the Russian Trade Delegation regarding

* No. 10460: not printed; it enclosed copy of No. 328.

† No. 328.

the refusal of the Canadian Government to accept the proposed Soviet Government mission to Canada. This memorandum was not communicated to you immediately on its receipt, as it was thought that action on it must depend on the outcome of the general correspondence with the Soviet Government as to relations with Russia.

2. It is observed from the telegram from the Under-Secretary of State for External Affairs to the High Commissioner of the 15th of March,* that Canada would be prepared to admit any persons forming the Russian Trade Delegation who might be approved by His Majesty's Government. So far as Messrs. Peter Lazarevich Voikov and Gregory Weinstein, of the proposed trade mission, are concerned, it has been ascertained that the Secretary of State for Home Affairs would not be prepared to agree to the grant of visâs for the purpose of their entering Great Britain. Messrs. Samuel Kahan and Maxim Divilkovski would, however, on present information, probably be allowed to enter Great Britain if they applied for permission. In order to prevent any undue delay in the settlement of this question, the Russian Trade Delegation is being informed that the appointment of Messrs. Voikov and Weinstein will not in any case be acceptable to the Government of Canada, while as regards that of Messrs. Kahan and Divilkovski definite information is still awaited. The Russian Trade Delegation will thus be able to advise the Soviet Government to proceed with the selection of some other persons to fill the places of Messrs. Voikov and Weinstein. A copy of the note to the Delegation is enclosed.

3. I should be glad to be informed whether the Canadian Government would be prepared formally to withdraw their objection to the admission to Canada of Messrs. Kahan and Divilkovski, in order that the Russian Trade Delegation may be informed of their definite decision on this point. The names of persons ultimately selected by the Soviet Government to replace Messrs. Voikov and Weinstein will be submitted to the Government of Canada in due course.

I have, &c.,
DEVONSHIRE.

Enclosure 1 in No. 330.

MONSIEUR Berzin, Assistant Official Agent of the Russian Soviet Government in Great Britain, presents his compliments to the Marquess Curzon of Kedleston, and begs to refer to the Foreign Office communication of the 15th February, reference N.1042/80/38, dealing with the question of the admission of the Soviet Mission to Canada.

The Russian Government notes with pleasure that no difference on the interpretation of the various clauses of the Anglo-Russian Trade Agreement exists between the two Governments.

The Russian Government is also pleased to note that the Government of Canada does not object on principle to the admission of a Soviet Mission as such, but the objection is due to the personnel of the staff appointed by the Russian Government. At the same time, the Russian Government cannot help expressing surprise that the refusal has been extended to the complete staff of the Mission appointed, and it would like to know the reason for this refusal, as this information will serve as a guide in the appointment of the staff of the new Mission.

Monsieur Berzin would deem it a great favour if this matter could be dealt with with as little delay as possible, as, in view of the uncertain position which has resulted from the refusal of the Canadian Government to admit the Soviet Mission to Canada, a number of trade negotiations have of necessity been suspended with Canada and Russia.

Russian Trade Delegation,
128, New Bond Street, W.1.
13th April, 1923.

* See No. 329.

Enclosure 2 in No. 330.

SIR,

Foreign Office, S.W.1, 25th July, 1923.

I AM directed by the Marquess Curzon of Kedleston to state, in reply to an inquiry made by you whilst calling at this department on the 27th of June, and with reference to Foreign Office letter of the 15th of February, that the refusal of the Government of Canada to accept the proposed Soviet Mission to that country was due to objections to the personnel of the staff, and not to any objection in principle against the reception of the mission.

2. There is no prospect that the Government of Canada would be willing to accept Mr. Peter Lazarevich Voikov or Mr. Gregory Weinstein. Definite information is still awaited whether they would have any objection to the appointment of Mr. Samuel Kahan or Mr. Maxim Divilkovski. I am, therefore, to suggest that, if your Government is still desirous of proceeding with the despatch of a mission to Canada, the names of any persons whom it may be desired to appoint in place of Mr. Voikov and Mr. Weinstein should be communicated in due course to His Majesty's Government for submission to the Government of Canada.

I am, &c.,

ESMOND OVEY.

Monsieur Berzin,

Russian Trade Delegation,

128, New Bond Street, W.1.

41398

No. 331.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.55 p.m., 18th August, 1923.)

TELEGRAM.

CONFIDENTIAL. 18th August. Your despatch of 30th July, Confidential (2),* refusal of Canadian Government to accept proposed Soviet Government's mission to Canada. My Ministers represent, in reply to inquiry contained in paragraph No. 3, that Canadian Government now prepared to withdraw its objection to admission to the Dominion of Messrs. Kahan and Divilkovski.—GOVERNOR-GENERAL.

Note.—Further correspondence took place with the Canadian Government as to the admission of additional members of the Delegation. The Canadian Government agreed to accept the persons proposed by the Soviet Government.

SIAM.

Revision of Commercial Treaties, Restriction on Immigration.

4740

No. 332.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 27th January, 1923.)

SIR,

Foreign Office, S.W.1, 25th January, 1923.

WITH reference to Colonial Office letter of 15th November last,† I am directed by the Secretary of State for Foreign Affairs to transmit, for the observations of the Duke of Devonshire, a copy of a letter‡ which is being addressed to the Board of Trade, enclosing a new revised draft of the proposed Anglo-Siamese Commercial Treaty.§

* No. 330. † No. 274 in Dominions No. 87. ‡ Not printed. § Articles 4, 9 and 10, printed here.

2. The observations of the Duke of Devonshire, conveyed in Colonial Office letter under reference, have been borne in mind in preparing this new draft, and, with regard to the proposal that Siamese immigration into Australia should be specifically provided against, the Secretary of State concurs in the opinion that an endeavour should be made to induce the Commonwealth Government to withdraw their suggestion.

I am, &c.,

B. C. NEWTON.

Enclosure in No. 332.

DRAFT TREATY BETWEEN THE UNITED KINGDOM AND SIAM.

Article 4.

Articles exported from Siam shall from the time of production to the date of shipment pay one impost only, whether this be levied as an inland or transit duty or paid on exportation. Goods or produce which pay any description of tax in the interior shall be exempted from any further payment of duty on exportation.

The tariff of export and inland duties appended to the treaty of 15th April, 1855, is hereby repealed.

The export duty on rice shall not exceed 25 cents per picul, and no export duty shall be levied on timber or minerals of any kind. It is understood that if export duties are levied on any other commodity, no other or higher duties shall be levied on the exportation of any such commodity to any part of the territories of His Britannic Majesty, *including territories under the protection of His Britannic Majesty and territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty* than those paid on the like article exported to any other foreign country.

Article 9.

The provisions of Articles 1 and 2 shall not be made applicable to British subjects unless and until rates of duty at least as high are applied to subjects of all other countries. Any concession in the matter of rates of duty which Siam may accord to articles the produce or manufacture of any other country shall simultaneously and unconditionally, without request and without compensation, be extended to articles the produce or manufacture of *any part of His Britannic Majesty's territories as defined in Article 4.*

Article 10.

The stipulations of the present Treaty and of the other Treaties, agreements and exchanges of notes, enumerated in the schedule, which apply to British subjects, shall be deemed to apply, as regards commercial matters, to natives of any of His Britannic Majesty's Protectorates and Protected States or of any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty.

7028

No. 333.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.25 p.m., 20th March, 1923.)

TELEGRAM.

[Answered by No. 334.]

My Confidential despatch 15th November.* Understood that no case has hitherto occurred in which it has been necessary to consider bearing of Article 1 Treaty with Siam, 1855, on operation of Australian Immigration Regulations, and, according to despatch from Bangkok enclosed in my despatch 15th November, such cases unlikely to occur in future. Moreover raising issue with reference to this Treaty might suggest doubts as to right to control immigration under other existing

* No. 275 in Dominions No. 87.

Treaties containing similar provisions. To some of these Treaties, e.g., that with Italy, Australia is party. In the circumstances His Majesty's Government feel some doubt whether desirable to insert in Treaty provision suggested your telegram 13th January, 1922, your telegram 30th June.* Do your Ministers wish to press suggestion?—DEVONSHIRE.

19232

No. 334.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4.20 a.m., 17th April, 1923.)

TELEGRAM.

17TH APRIL. Your telegram of 20th March.† Treaty with Siam. In view of circumstances mentioned my Ministers do not wish press suggestion.—GOVERNOR-GENERAL.

Note.—No further developments occurred during 1923.

SOUTHERN RHODESIA.

(1) Position in relation to Commercial Treaties.

44006

No. 335.

SOUTHERN RHODESIA.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 20.)

SIR,

Downing Street, 19th October, 1923.

I HAVE the honour to transmit to you, for the information of your Ministers, a list of Commercial Treaties with foreign Powers which impose obligations on Southern Rhodesia. The list distinguishes between Treaties which became applicable to Southern Rhodesia on its annexation, and those which were already applicable to Southern Rhodesia as a British Protectorate.

2. There are also a certain number of Commercial Treaties, e.g., those with Portugal (12th August, 1914), and Serbia (17th February, 1907), under which, while they impose no obligations upon Southern Rhodesia, goods produced or manufactured in Southern Rhodesia are entitled, on importation into the country concerned, to enjoy most-favoured-nation treatment provided that Southern Rhodesia accords similar treatment to goods produced or manufactured in the country in question. The Treaty with Serbia is now binding on the Serb-Croat-Slovene State under Article XII of the Treaty between the Principal Allied and Associated Powers, and the Serb-Croat-Slovene State of the 10th September, 1919 (Treaty Series 1919, No. 17).

3. I would also invite reference to the position in relation to Spain. A Commercial Treaty with Spain was signed on the 31st October, 1922, but has not yet been ratified, though it has been brought into force as a *modus vivendi* pending ratification. The Treaty does not apply to Southern Rhodesia as the necessary notice of adhesion has not been given under Article 24, nor does it provide for the grant, subject to reciprocity, of most-favoured-nation treatment in Spain to goods produced or manufactured in non-adhering Dominions and Colonies, but the Spanish Government have agreed to grant to goods produced or manufactured in any of the non-adhering Dominions and Colonies the rates of duty specified in the Second Column of the Spanish Customs Tariff, provided that a guarantee is given that Spanish goods imported into the territory in question will receive most-favoured-nation treatment. This arrangement has been accepted on behalf of Southern Rhodesia. I enclose copies of Notes‡ exchanged on the subject.

I have, &c.,

DEVONSHIRE.

* Nos. 270 and 272 in Dominions No. 87.

† No. 333.

‡ Enclosures in Nos. 350 and 358.

Enclosure 1 in No. 335.

LIST OF TREATIES OF COMMERCE, ETC., APPLICABLE TO SOUTHERN RHODESIA ON ITS ANNEXATION TO THE BRITISH DOMINIONS, DISTINGUISHING THOSE ALREADY APPLICABLE TO IT AS A BRITISH PROTECTORATE.

(Those in the latter category are marked (†).)

Abyssinia	Treaty	14th May, 1897	Trade, &c.
Argentina	Treaty	2nd February, 1825	Commerce, &c.
Belgium	Convention	13th November, 1862	Joint Stock Companies.
Colombia	Treaty	16th February, 1866	Commerce and Navigation.
Costa Rica	Treaty	27th November, 1849	Friendship, Commerce & Navigation.
Denmark	Convention	5th March, 1898	Trade Marks and Designs
	Treaty	13th February, 1660-1	Peace and Commerce.
	Treaty	11th July, 1670	Peace and Commerce.
Denmark	Declaration	28th November, 1879	Trade Marks.
Ecuador	Convention	26th August, 1892	Trade Marks
France	(a) Convention	26th January, 1826	Commerce and Navigation.
	(Additional articles)		
	(a) Convention	30th April, 1862	Joint Stock Companies.
Greece	(b) Treaty	10th November, 1886	Commerce and Navigation.
	Agreement	4th August, 1888	Joint Stock Companies.
	(b) Declarations	23rd November, 1904	Commerce
		17th May, 1905	Commerce.
Guatemala	Convention	20th July, 1898	Trade Marks.
Italy	Declaration	26th November, 1867	Joint Stock Companies.
	Treaty	15th June, 1883	Commerce and Navigation.
Liberia	Treaty	21st November, 1848	Friendship and Commerce.
Mexico	Treaty	27th November, 1888	Friendship, Commerce & Navigation.
Morocco	Treaty	9th December, 1856	General.
	Convention	9th December, 1856	Commerce and Navigation.
Muscat	(c) Treaty	19th March, 1891	Friendship, Commerce & Navigation.
Netherlands	Convention	6th March, 1856	Consuls in Colonies.
Norway	Notes	16th, 23rd November, 1905	Validity of Treaties with Sweden and Norway.
Paraguay	See also Sweden and Norway.		
	Treaty	16th October, 1884	Friendship, Commerce & Navigation.
Persia	Treaty	4th March, 1857	Peace and Commerce.
	(†) Convention	9th February, 1903	Commerce.
	(†) Agreement	21st March, 1920	Commerce.
Peru	(d) Treaty	10th April, 1850	Friendship, Commerce & Navigation.
Portugal	Declaration	6th January, 1880	Trade Marks.
Roumania	Convention	4th May, 1892	Trade Marks.
	Convention	1st April, 1893	False Indications of Origin on Goods.

(a) Denounced by France, 10th September, 1918, but is being continued in force subject to three months' notice.

(b) Denounced by Greece, 3rd March, 1919, but is being continued in force for successive periods of three months.

(c) This Treaty has been denounced but is being prolonged by annual agreements.

(d) It has been held that this Treaty imposes no obligation on the Dominions to grant Peru any special tariff privileges.

Siam	(e) Treaty	18th April, 1855	Friendship and Commerce.
Spain	Declaration	14th December, 1875	Trade Marks.
	Declaration	29th January, 1883	Joint Stock Companies.
Sweden	Treaty	11th April, 1654	Peace and Commerce.
	Treaty	17th July, 1656	Commerce.
	Treaty	21st October, 1661	Peace and Commerce.
	Treaty	5th February, 1766	Commerce and Alliance.
	Notes	6th/16th November, 1905	Validity of Treaties with Sweden and Norway.
Sweden and Norway	Convention	18th March, 1826	Commerce and Navigation.
Switzerland	Treaty	6th September, 1855	Friendship, Commerce, &c.
Tonga	Declaration	6th November, 1880	Trade Marks
United States	Treaty	29th November, 1879	Friendship, &c.
	Declaration	24th October, 1877	Trade Marks.
	(†) Convention	2nd March, 1899	Disposal of Real and Personal Property.
Venezuela	Treaty	18th April, 1825	Commerce and Navigation.

(2) Position in relation to Extradition Treaties.

54025

No. 336.

SOUTHERN RHODESIA.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 76.)

SIR,

Downing Street, 26th November, 1923.

I HAVE the honour to request you to lay before your Ministers the following observations with regard to the position of Southern Rhodesia in relation to extradition arrangements with foreign Powers.

2. On the incorporation of Southern Rhodesia in His Majesty's Dominions, all existing Extradition Treaties which apply to His Majesty's Dominions generally and all existing Orders in Council under Section 2 of the Extradition Act, 1870, giving effect to such Treaties, became applicable to Southern Rhodesia. The text of such Treaties and Orders in Council is contained in the volumes of Statutory Rules and Orders which, it is presumed, are in the possession of your Government.

3. I enclose copies of an Order in Council* issued on the 30th July, applying the Extradition Acts, 1870 to 1906, in the case of certain foreign countries in respect of offences specified in the White Slave Traffic Convention of the 4th May, 1910. His Majesty acceded to this Convention in respect of Southern Rhodesia on the 4th November, 1921, but Southern Rhodesia was not included among the territories to which the Order in Council of the 30th July applied, since, at that date, it was a Protectorate and not part of His Majesty's Dominions. Steps will now be taken for the issue of an Order in Council on similar lines applying to Southern Rhodesia.†

4. As regards future procedure, it would seem most convenient that, unless your Ministers see any objection, steps should be taken to repeal the present extradition legislation of Southern Rhodesia (Ordinance No. 2 of 1905, and amending legislation), while preserving its effect as regards any extradition arrangements with foreign States in respect of which it has been applied by notices made thereunder, and which have not been dealt with in existing Orders in Council under Section 2 of the Extradition Act, 1870, and to replace it by a short enactment ancillary to the Extradition Acts, 1870 to 1906. An example of such an enactment is to be found in the Extradition Act, 1903, of the Parliament of the Commonwealth of Australia, a copy of which is enclosed. Steps would then be taken to incorporate this enactment in the Extradition Act, 1870, by the issue of an Order in Council under Section 18 of that Act.

(e) See Article I.

* S.R.O. 1923, No. 971.

† See S.R.O. 1923, No. 1593.

5. In the meanwhile, it would appear that any extradition questions which may arise between Southern Rhodesia and foreign countries, with which there exist extradition arrangements applying to Southern Rhodesia, can be dealt with under the legislation at present in force, since I am advised that there is no repugnancy between the provisions of this legislation and those of the Extradition Acts, 1870 to 1906, and accordingly it remains in force until repealed. (Annexation Order in Council, Article 4).

6. I am addressing a separate despatch* to you on the subject of the recent Convention providing that the existing Extradition Treaties with Belgium shall apply to the Belgian Congo and to certain British Protectorates. No special action is required in order to give effect to this Convention in Southern Rhodesia, since Southern Rhodesia will be covered by the Order in Council which is to be issued under Section 2 of the Extradition Act, 1870, in respect of the Convention.

I have, &c.,
DEVONSHIRE.

60713

No. 337.

SOUTHERN RHODESIA.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 12.50 p.m., 19th December, 1923.)

TELEGRAM.

[Answered by No. 338.]

My despatch 26th November, No. 76.† Various Extradition Treaties with foreign countries at present under negotiation. Unless your Ministers have any objection, should propose to arrange inclusion of Southern Rhodesia as part of His Majesty's Dominions in scope of these Treaties and of any similar Extradition Treaties which may be negotiated in future.—DEVONSHIRE.

144

No. 338.

SOUTHERN RHODESIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 2.1 p.m., 31st December, 1923.)

TELEGRAM.

31ST DECEMBER. Your telegram of 19th December.‡ My Ministers have no objection to inclusion of this Colony as part of His Majesty's Dominions in relation to extradition treaties.—GOVERNOR.

(3) Position in relation to International Labour Conventions.

58111

No. 339.

SOUTHERN RHODESIA.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 79.)

SIR,

Downing Street, 26th November, 1923.

I HAVE the honour to transmit to you, to be laid before your Ministers, copies of a Parliamentary Paper (Cmd. 1612) containing the text of Draft Conventions and Recommendations adopted by the International Labour Conference at its session of October-November, 1921.

2. Two of the draft Conventions contained in this Paper, viz., those relating to Workmen's Compensation in Agriculture (pages 20-23) and the Rights of Association and Combination of Agricultural Workers (pages 17-19) were ratified in respect of Great Britain by Orders of the Lords of the Council dated the 11th July, and action under Article 421 of the Treaty of Versailles is being taken in regard to these two Conventions.

* No. 113.

† No. 336.

‡ No. 337.

3. Article 421 of the Treaty has, of course, now no application to Southern Rhodesia, but it nevertheless devolves upon His Majesty's Government, in accordance with Article 405, to bring such Conventions to the notice of the Government of Southern Rhodesia, as the authority within whose competence the matter lies.

4. The Draft Conventions and Recommendations adopted at the previous sessions of the Conference were contained in the Parliamentary Papers Cmd. 627 and Cmd. 1174. The following five Conventions were ratified in respect of the United Kingdom by Orders of the Lords of the Council dated the 5th July, 1921:—

(1) Draft Convention concerning Unemployment (pages 12-14 of Cmd. 627).

(2) Draft Convention concerning Employment of Women during the Night (pages 22-25 of Cmd. 627).

(3) Draft Convention fixing the Minimum Age for admission of Children to Industrial Employment (pages 30-33 of Cmd. 627).

(4) Draft Convention concerning Night Work of Young Persons employed in Industry (pages 34-37 of Cmd. 627).

(5) Draft Convention fixing the Minimum Age for admission of Children to Employment at Sea (pages 7-10 of Cmd. 1174).

The question of the application of these Conventions to Southern Rhodesia under Article 421 of the Treaty was considered at the time, and it was decided that no action was necessary as the Conventions were inapplicable to Southern Rhodesia. In this connexion, I would invite reference to the Administrator's despatch to the High Commissioner for South Africa, No. 401 of the 28th October, 1921.*

I have, &c.,

DEVONSHIRE.

SPAIN.

Commercial Treaty, 1922.

(Treaty Series 1924, No. 21.)

19

No. 340.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 6.)

SIR,

Downing Street, 12th January, 1923.

WITH reference to my despatch No. 3 of the 6th of January,† I have the honour to transmit to you, for the information of your Ministers, a copy of a despatch‡ from His Majesty's Chargé d'Affaires at Madrid, regarding duties payable on codfish imported into Spain from Iceland, and of a note addressed to the Spanish Government making application for the extension to those parts of the British Empire to which the Anglo-Spanish Commercial Treaty applies, of the tariff concession in regard to fish recently granted by Spain to Norway.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 340.

(Nos. 370, 908, 159.)

YOUR EXCELLENCY,

British Embassy, Madrid, 13th December, 1922.

UNDER instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to call Your Excellency's attention to paragraph 2 of Article 3 of the Treaty of Commerce and Navigation recently concluded between Great Britain and Spain, in which it is provided that His Catholic Majesty's Government will be prepared to extend to the produce or manufacture of Great

* 59141: not printed; it intimated that the Conventions were inapplicable to Southern Rhodesia.

† 62391: not printed; it enclosed a copy of a commercial agreement between Spain and Norway.

‡ Not printed; it enclosed copies of correspondence as to the agreement referred to under †.

Britain any benefit or advantage conceded by Spain to any foreign country, in respect of any specified article which is of interest to the trade of His Britannic Majesty's territories, and to request that item No. 1331 of the Spanish Tariff at present in force, which reads:

"Other fish, salted, smoked, or cured, except that in tins," should be added to Schedule A, Part II of the Treaty.

This item is one of those included in the Treaty recently concluded with the Norwegian Government, and His Majesty's Government is anxious to obtain the benefit of the rate of duty of 18 pesetas for similar goods produced or manufactured in those parts of His Britannic Majesty's territories to which the Anglo-Spanish Treaty of Commerce and Navigation applies.

I avail myself, &c.,

CHARLES WINGFIELD.

His Excellency

Don Santiago Alba,

Minister of State.

20

No. 341.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

Dominions Treaty No. 2.)

[MY LORD,] [SIR,]

Downing Street, 12th January, 1923.

WITH reference to my despatch Dominions No. 416 of the 6th of December,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] for the information of your Ministers, copies of notes exchanged between His Majesty's Chargé d'Affaires at Madrid and the Spanish Government relative to the agreement of that Government to the application of the Second Column rates of the Spanish Tariff to goods produced or manufactured in any of the Dominions which have not acceded to the Anglo-Spanish Commercial Treaty provided that such Dominion grants most-favoured-nation treatment to Spanish goods.

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 341.

TRANSLATION.

Ministry of State. Commerce.

(285.)

SIR,

Madrid, 22nd November, 1922.

I HAVE received Note No. 336 of the 1st instant,† in which Sir Esmé Howard, replying to mine of the 31st October last,‡ concerning the tariff treatment which is to apply in Spain to products from British India and the British Dominions and Colonies, requested that the said treatment should be that of the Second Column of the Spanish Tariff, applicable for an indefinite period and terminating six months after denunciation by either of the Parties interested; thus modifying the proposal which I had formulated in my Note aforementioned to the effect that the Second Column rates should be applied to the said countries only during the term of six months, which I considered sufficient for the purpose of giving these territories time to adhere, if they so wished, to the recent Treaty of Hispano-British Commerce.

His Majesty's Government, who have been notified of the said petition, have authorized me to formulate a new proposal to the British Government granting the benefits of the rates of duty in the Second Column of the Spanish Tariff to the products of the territories referred to for a period of six months, which can be prolonged indefinitely, with the option on both sides of denouncing the said régime with one month's notice, it being clearly understood that this concession is in exchange for treatment by the countries referred to identical with that given to most-favoured nations.

* No. 286 in Dominions No. 87. † Enclosure 4 in No. 286 in Dominions No. 87. ‡ Enclosure 3 in No. 286 in Dominions No. 87.

In the case of the British Government agreeing to this proposal His Majesty's Government will consider the Agreement between both Governments as established in this respect by the present Note and the one you will kindly address to me transmitting the reply of the Cabinet in London.

I avail myself, etc., etc.

Charles Wingfield, Esq.,

Chargé d'Affaires of Great Britain.

Enclosure 2 in No. 341.

(No. 373/908.163.)

YOUR EXCELLENCY,

British Embassy, Madrid, 16th December, 1922.

IN his Note No. 285 of the 22nd ultimo, Señor Fernandez Prida was good enough to propose that the duties of the Second Column of the Spanish Tariff should be applied to the products of the British Dominions and Colonies and of British India, pending their accession to the recently signed Commercial Treaty between Spain and the United Kingdom, for a period of six months, which arrangement would be automatically prolonged until one month after its denunciation by either party: this treatment to be conceded in return for most-favoured-nation treatment to be granted to goods the products of Spain by the particular parts of His Majesty's Dominions and Colonies in question.

His Majesty's Principal Secretary of State for Foreign Affairs, to whom I did not fail to communicate a translation of Señor Fernandez Prida's Note, desires me to draw Your Excellency's attention to the difficult situation in which would be placed these parts of His Majesty's Dominions, and particularly the more distant ones, in the event of denunciation of such an agreement as that described above, since the delay of one month would leave no time for the necessary negotiations for replacing it either by a temporary or by a permanent agreement. I am therefore to suggest, and I venture to hope that I may enlist Your Excellency's support for this proposal with your colleagues of Hacienda and Fomento, that a notice of six months should be required from either party in order to terminate the temporary arrangement specified above.

In the event, however, that the Government of His Catholic Majesty find themselves unable to agree to so long notice being provided for, I am instructed to urge that the delay between the denunciation and the termination of the arrangement should be at least three months.

I should be obliged if Your Excellency would be so kind as to furnish me with an answer to the above proposals as soon as possible in order that I may communicate it to my Government.

I avail myself, etc.,

CHARLES WINGFIELD.

His Excellency

Sr. D. Santiago Alba,

Minister of State.

1993

No. 342.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 10.)

SIR,

Downing Street, 23rd January, 1923.

WITH reference to my despatch No. 6 of the 12th of January,* I have the honour to transmit to you, for the information of your Ministers, a copy of a despatch from His Majesty's Ambassador at Madrid, regarding the extension to those parts of the British Empire to which the Anglo-Spanish Commercial Treaty applies of the concession granted to Norway in regard to the duty on item No. 1331 of the Spanish Tariff, viz:—"Other fish, salted, smoked, or cured, except that in tins."

I have, &c.,

DEVONSHIRE.

* No. 340.

Enclosure in No. 342.

(No. 3. 908.167.)

MY LORD,

British Embassy, Madrid, 3rd January, 1922.

WITH reference to Your Lordship's despatch No. 602 of 4th December last, regarding the extension to those parts of the British Empire to which the Anglo-Spanish Commercial Treaty applies of the Tariff concessions recently granted by Spain to Norway, I have the honour to transmit herewith translation of a reply which I have now received from the Spanish Government, in which they express their willingness to concede the duty rates under the Norwegian Treaty for item 1331 to goods the produce or manufacture of the territories to which the Anglo-Spanish Treaty applies.

In my telegram No. 196 I informed Your Lordship that the Spanish Government agreed, and I now have the honour to transmit herewith a translation of a notice which appeared in the *Gazette* of 30th December, dealing with the same question.

I have, &c.,

ESMÉ HOWARD.

The Right Honourable

The Marquess Curzon of Kedleston, K.G.,

&c. &c. &c.

TRANSLATION OF COMMUNICATION DATED 26TH DECEMBER, 1922, FROM THE MINISTRY OF STATE, MADRID, TO MR. CHARLES WINGFIELD, CHARGE D'AFFAIRES OF GREAT BRITAIN, MADRID.

(No. 311.)

SIR,

YOUR note of the 13th instant* contained a request made in virtue of the provisions of the second paragraph of Article 5 of the Hispano-British Treaty of Commerce and Navigation of the 31st October last, to the effect that item No. 1331 of the Spanish Tariff, which reads: "Other fish, salted, smoked, or cured, except that in tins," should be added to Schedule A, Part II of the Treaty, and that the duty of 18 pesetas, conceded under the terms of the Agreement between Spain and Norway of the 7th October of this year to merchandise of this latter country, be granted to similar goods the produce or manufacture of the territories of His Britannic Majesty to which the Hispano-British Treaty applies.

In reply to your note, I have the honour to inform you that in accordance with the desire therein expressed the said item has been included in Schedule A, second Section, of the said Hispano-British Treaty, and at the same time I have requested my colleague the Minister of Hacienda to instruct the Customs Houses in this sense.

I avail myself, &c.,

ALBA.

Mr. Charles Wingfield,

Chargé d'Affaires of Great Britain.

TRANSLATION FROM "LA GACETA DE MADRID," 30TH DECEMBER, 1922.

At the request of His Britannic Majesty's Embassy and in virtue of the provisions established in paragraph 2 of Article 5 of the Hispano-British Treaty of Commerce of the 31st October of the current year, it has been resolved to include in Schedule A, Section II, of the same, item No. 1331 of the Tariff now in force: "Other fish, salted, smoked or cured, except that in tins," such goods, whenever the produce or manufacture of the territories of His Britannic Majesty to which the Hispano-British Treaty applies, being granted the duty of 18 pesetas per 100 kilograms, as conceded in the Commercial Agreement signed between Spain and Norway on the 7th October of the present year to similar goods of this latter country.

This is made public so that it may be generally known and with reference to the numbers of the *Gaceta de Madrid* corresponding to the 8th October, and 4th November of this year, in which were published the Treaty and the Agreement referred to.

* Enclosure in No. 340.

7052

No. 343.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 351.]

(No. 68.)

SIR,

Downing Street, 12th February, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of the Treaty* of Commerce and Navigation between the United Kingdom and Spain, signed on the 31st October, and of the Protocol signed on the same date, bringing the Treaty into operation on the 6th November, as a *modus vivendi*, pending ratification of the Treaty.

2. The Spanish Government have been informed that for the purposes of this Treaty the Irish Free State should be deemed to be included among "His Britannic Majesty's territories outside the United Kingdom," and consequently under Article 24 the stipulations of the Treaty are not at present applicable to the Irish Free State.

3. Your Ministers will observe that under that Article notice may be given of the desire of the Government of any British territory outside the United Kingdom that the stipulations of the Treaty should be applied to it. The Spanish Government has agreed that, for the present, goods produced or manufactured in any such territory, in respect of which notice has not been given under Article 24, shall, on importation into Spain, be subject to the rates of import duty specified in the Second Column of the Spanish Customs Tariff,† of which I enclose a copy, on condition of the grant by such territory of most-favoured-nation treatment to Spanish goods. The precise intentions of the Spanish Government in this matter are not clear, and inquiry is being made on the subject, but it is understood that they propose that the arrangement shall hold good for a period of six months from the coming into force of the Treaty, i.e., until the 5th May, 1923, and that thereafter there should be for an indefinite period an obligation on the part of the Spanish Government to grant Second Column rates, and on the part of the government of the territory concerned to grant most-favoured-nation treatment, subject to one month's notice of termination on either side.

An endeavour is being made to induce the Spanish Government to agree to a longer period than one month for notification of termination of the arrangement.

4. Your Ministers will also observe that under Article 6 of the Treaty His Majesty's Government is bound not to levy any import duty upon certain articles produced in Spain, and, further, not to increase in future the duties leviable on wine and brandy or raisins, the effect of which will be that, if the stipulations of the Treaty are made applicable to the Irish Free State, it will be impossible for your Government (except by giving six months' notice of withdrawal from the Treaty) to increase at any future date, while the Treaty remains in force, the duties now levied on any wines, brandies or raisins, and further will render it necessary not to levy customs duties upon any goods falling under Schedule B. of the Treaty, in view of the fact that the existence of most-favoured-nation clauses in treaties with other Powers which are applicable to the Irish Free State would prevent any discrimination in favour of Spanish produce.

5. His Majesty's Ambassador at Madrid has been instructed to inform the Spanish Government that the Irish Free State does at present in fact accord most-favoured-nation treatment to imports from Spain. Consequently, for the time being, Free State goods on importation into Spain will be entitled to receive the benefit, referred to above, of the rates of import duty specified in the Second Column of the Spanish Tariff. They will not, however, receive the benefit of the special rates of duty specified in Schedule A to the Treaty, unless the Irish Free State accedes to the Treaty and thereby accepts, *inter alia*, the obligation to accord to Spanish goods the special privileges referred to in Article 6, which, in turn, would involve according like privileges to similar imports from any country enjoying most-favoured-nation treatment in the Irish Free State.

* Not printed here: see Treaty Series 1924, No. 21, for the text.

† Not printed here.

6. I shall be glad to learn whether your Ministers, after taking into consideration the effect of the provisions of Article 6 as indicated in paragraph 4 above, desire that notice should be given on their behalf by His Majesty's Government to the Spanish Government of their wish to accede to the Treaty.

7. If they do not desire that such notification should be given on their behalf, I shall be glad to be informed whether they will accept the proposal outlined in paragraph 3, whereby Free State goods would be subject to the rates of duty specified in the Second Column of the Spanish Customs Tariff, and Spanish goods imported into the Free State would receive most-favoured-nation treatment, subject to notice of termination of the arrangement on either side.

I have, &c.,
DEVONSHIRE.

12421

No. 344.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada
(Commonwealth of Australia
(New Zealand
(Union of South Africa

Dominions Treaty No. 13.)

[MY LORD.] [SIR,]

Downing Street, 20th March, 1923.

WITH reference to my despatch Dominions Treaty No. 2 of the 12th January,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] for the information of your Ministers, a copy of a note from the Spanish Minister for Foreign Affairs on the subject of the application of the Second Column rates of the Spanish Tariff to goods produced or manufactured in any of the Dominions which have not acceded to the Anglo-Spanish Commercial Treaty, provided that such Dominion grants most-favoured-nation treatment to Spanish goods. It will be observed that the Spanish Government agree that a notice of six months should be required from either party in order to terminate this arrangement.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 344.

Translation.

Ministry of State, L.M. 5a—Commercial.
(No. 53.)

YOUR EXCELLENCY,

Madrid, 19th February, 1923.

REFERRING to Mr. Wingfield's Note of the 16th December last,† and previous correspondence concerning the Customs Tariff treatment to be applied by Spain to the produce of India and British Dominions and Colonies until such times as these countries adhere to the Commercial Treaty signed between Spain and the United Kingdom on the 31st October, 1922, and referring also to Your Excellency's Notes of the 10th and 23rd January, and of the 8th instant, I have the honour to inform you that His Majesty's Government, in their desire to meet the wishes of the Government of His Britannic Majesty, agree to extend to six months the term that must elapse between the denunciation and the date of termination of the Agreement which both Governments have arrived at, and in virtue of which the products of India and of the British Colonies and Dominions will be dutiable in Spain, until such time as they adhere to the above-mentioned Treaty, at the rates of the Second Column of the Customs Tariff, in exchange for the concession by these countries of most-favoured-nation treatment to Spanish products.

This treatment, which His Majesty's Government (who, as Your Excellency will remember, had been requested by the Government of His Britannic Majesty to indicate the treatment they intended to apply to the countries in question, mentioned by name, that is, India and British Colonies and Dominions) conceded exclusively to those countries, cannot be considered as extending to the Protectorates and Mandated Territories of Great Britain, contrary to what the British Government, evidently under a misapprehension, has assumed, judging by Your Excellency's

* No. 341.

† Enclosure 2 in No. 341.

Note No. 28, of the 23rd January last, and notwithstanding the absence of any reference whatever by His Majesty's Government which could lead the British Government to see this question in any other light. I have, therefore, to inform Your Excellency that the said treatment is not applicable either to the Protectorates or the Mandated Territories of Great Britain, and only as an exception, and in view of the special nature of the case, does His Majesty's Government agree to concede it also, on the same terms, to the products of the Free State of Ireland, seeing that this State grants most-favoured-nation treatment to Spanish products.

I have the honour to communicate the foregoing to Your Excellency, and to request you to be so good as to put it before your Government.

I avail myself, &c.,
S. ALBA.

His Excellency

Sir Esmé Howard,

H.B.M. Ambassador.

14655

No. 345.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada. No. 142.)
(Commonwealth of Australia. No. 115.)
(New Zealand. No. 65.)
(Union of South Africa. No. 74.)

[MY LORD.] [SIR,]

Downing Street, 26th March, 1923.

WITH reference to my despatch Dominions Treaty No. 13 of the 20th March,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] for the information of your Ministers, a copy of a notice published in the *Madrid Gazette* of the 9th March, regarding the treatment to be granted, on their importation into Spain, to goods produced in the Self-Governing Dominions, India, and the Colonies.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 345.

TRANSLATION FROM "LA GACETA DE MADRID," 9TH MARCH, 1923, PAGE 856.

MINISTRY OF STATE.

Under-Secretary's Office.

Commercial Section.

IN accordance with the notification made by His Majesty's Government to that of Great Britain, the products of India and of the British Dominions and Colonies, as also those of the Free State of Ireland, shall pay on their importation into Spain the duties of the Second Column of the Customs Tariff, in consideration of the fact that the said countries concede most-favoured-nation treatment to Spanish products.

This arrangement (granted in respect of the countries in question, because the Hispano-British Treaty of Commerce and Navigation of the 31st October, 1922, under the terms of Article 24 thereof, does not, of course, apply to them) shall be operative in the first place for a period of six months, and thereafter shall continue to apply until six months after the arrangement shall have been denounced.

The foregoing is made public for general information.

Madrid, 1st March, 1923. The Under-Secretary, E. de Palacios.

Madrid, 8th March, 1923. The Under-Secretary, E. de Palacios.

Note.—The above is a rectified notice, the original insertion, which contained an error, appearing in the *Madrid Gazette* of the 7th March, 1923.

*No. 344.

15960

No. 346.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.50 p.m., 17th April, 1923.)

TELEGRAM.

[Answered by No. 353.]

17TH APRIL. My despatch 26th March, No. 142.* Intention of Spanish Government understood to be that after 5th May products of Dominions to which provisions of Anglo-Spanish Commercial Treaty have not been made applicable under Article 24 will only be entitled to Second Column rates if Dominion concerned guarantees most-favoured-nation treatment to Spanish goods, this arrangement to be subject to six months' termination on either side. Understood from Fielding before he left that question of commercial relations between Canada and Spain was standing over till his return to Canada. Please let me know if your Ministers desire any communication with regard to position after 5th May to be made to Spanish Government on their behalf.—DEVONSHIRE.

15960

No. 347.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.25 p.m., 17th April, 1923.)

TELEGRAM.

[Answered by No. 354.]

SPANISH Government have now agreed to grant to goods produced in Protectorates and Mandated Territories, to which provisions of Anglo-Spanish Commercial Treaty have not been made applicable under Article 24, similar treatment to that described in enclosure to my despatch 26th March, No. 74.* Intention of Spanish Government understood to be that after 5th May products of non-acceding Dominions, etc., will only be entitled to Second Column rates if Dominion, etc., concerned guarantees most-favoured-nation treatment to Spanish goods, this arrangement to be subject to six months' notice of termination on either side. In view of your telegram 25th October,† and in absence of intimation that Union of South Africa desires to accede to Treaty, above arrangement is being accepted on behalf of Union of South Africa. Do your Ministers desire that it should be accepted on behalf of South-West Africa also?—DEVONSHIRE.

15960

No. 348.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.10 p.m., 17th April, 1923.)

TELEGRAM.

[Answered by No. 355.]

My despatch 12th January, Dominions Treaty No. 2.‡ Spanish Government have now agreed to continue to grant Second Column rates to goods produced in Dominions and Colonies, to which provisions of Anglo-Spanish Commercial Treaty have not been made applicable under Article 24, and to accord similar treatment to products of Protectorates and Mandated Territories, provided that Dominion,

* No. 345. † No. 282 in Dominions No. 87. ‡ No. 341.

Colony, Protectorate, or Mandated Territory concerned guarantees most-favoured-nation treatment to Spanish goods, this arrangement to be subject to six months' notice of termination on either side. In view of your telegram 13th October,* arrangement is being accepted on behalf of New Zealand. Following questions now arise:—

(1) Do Government of New Zealand wish notice to be given under Article 24 of desire that stipulations of Treaty should be made applicable to New Zealand.

(2) Do Government of New Zealand wish similar notice to be given in respect of Western Samoa.

(3) If no notice given in respect of Western Samoa, should arrangement described above as to grant of Second Column rates in return for most-favoured-nation treatment be accepted on behalf of Western Samoa. Should be glad of your Ministers' views.

Confidential. Your Ministers will appreciate that United States contention (see my telegram of 16th September†), that United States goods entitled to benefits of British preferential tariff in Western Samoa has bearing on questions 2 and 3 above.—DEVONSHIRE.

15960

No. 349.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.50 p.m., 17th April, 1923.)

TELEGRAM.

[Answered by No. 359.]

My despatch 12th January, Dominions Treaty No. 2.‡ Spanish Government have now agreed to continue to grant Second Column rates to goods produced in Dominions and Colonies, to which provisions of Anglo-Spanish Commercial Treaty have not been made applicable under Article 24, and to accord similar treatment to products of Protectorates and Mandated Territories, provided that Dominion, Colony, Protectorate or Mandated Territory concerned guarantees most-favoured-nation treatment to Spanish goods, this arrangement to be subject to six months' notice of termination on either side. Do your Ministers desire that arrangement should be accepted on behalf of Commonwealth of Australia, and what are their wishes as regards New Guinea?—DEVONSHIRE.

18459

No. 350.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Commonwealth of Australia. No. 158.)

(New Zealand. No. 85.)

(Union of South Africa. No. 100.)

[MY LORD.] [SIR,]

Downing Street, 24th April, 1923.

WITH reference to my telegram of the 17th of April,§ I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] for the information of your Ministers, a copy of a despatch from His Majesty's Ambassador at Madrid, forwarding a translation of a Note from the Spanish Minister for Foreign Affairs setting forth the terms under which the Spanish Government are prepared to extend to British Protectorates and Mandated Territories the arrangement whereby Second Column Customs Tariff rates are granted to goods produced in the Dominions and Colonies to which the provisions of the Anglo-Spanish Commercial Treaty have not been made applicable.

I have, &c.,

DEVONSHIRE.

* No. 281 in Dominions No. 87. † No. 220 in Dominions No. 87. ‡ No. 341. § Nos. 347, 348 and 349.

Enclosure in No. 350.

MY LORD,

28th March, 1923.

WITH reference to my telegram No. 25 of 26th March, I have the honour to transmit herewith translation of Note from the Minister of Foreign Affairs, setting forth the terms under which the Spanish Government are prepared to extend to British Protectorates and Mandated Territories the Customs arrangement already conceded to Colonies and self-governing Dominions.

I have, &c.,

ESMÉ HOWARD.

The Right Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.

(Translation.)

Ministry of State. L.M.

Comercio. No. 83.

YOUR EXCELLENCY.

Madrid, 24th March, 1923.

IN view of the desire expressed by Your Excellency on behalf of His Britannic Majesty's Government to the effect that the Government of His Majesty should grant the products of the Protectorates and the British Mandated Territories the same tariff treatment as that conceded to the Dominions and the Colonies of the United Kingdom, in exchange for most-favoured-nation treatment of Spanish products on their importation into these countries, I have the honour to inform Your Excellency that, after submitting the proposal to His Majesty's Government, they have decided to accede to the request in question.

It is therefore understood that the products of the Protectorates and British Mandated Territories mentioned below shall enjoy, on their importation into Spain, the benefits of the Second Column rates of duty in the Tariff for a period of six months counting from the date on which the Anglo-Spanish Treaty of Commerce of the 31st October, 1922 (an arrangement which will continue to remain in force for six months after its denunciation by either of the High Contracting Parties) came into force, in exchange for the most-favoured-nation treatment to be conceded to Spanish products in the territories referred to.

The countries to which reference is made are the following:—

Protectorates.—British Bechuanaland; Federated Malay States—Perak, Selangor, Negri-Sembilan; Unfederated Malay States—Johore, Kedah, Perlis, Kelantan, and Trengganu; Northern Rhodesia, Nyasaland, Somaliland, Southern Rhodesia, Swaziland.

Mandated Territories.—Cameroons (British Sphere), Iraq, Nauru, New Guinea, Palestine, Western Samoa, South West Africa, Territory of Tanganyika, Togoland (British Sphere).

His Majesty's Government consider the present agreement concluded by this Note, and an analogous Note which Your Excellency will be so good as to address to me.

I avail, &c.,

S. ALBA.

His Excellency

Sir Esmé Howard,

H.B.M. Ambassador.

20635

No. 351.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th April, 1923.)

[Answered by No. 352.]

(No. 104.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 21st April, 1923.

I HAVE the honour to refer to Your Grace's despatch No. 68 of the 12th February last,* and to state that the Free State Government do not desire to accede to the Treaty of Commerce and Navigation made between the United Kingdom and Spain on 31st October, 1922.

* No. 343.

2. Before deciding whether to accept the proposal in paragraph 3 of the despatch, my Ministers would be glad if they could be informed (a) how the obligation arises to accord most-favoured-nation treatment to Spanish imports into the Free State, and (b) how, if desired, this obligation can be terminated.

I have, &c.,

T. M. HEALY.

20635

No. 352.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 360.]

(No. 253.)

SIR,

Downing Street, 2nd May, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 104 of the 21st April,* regarding the Anglo-Spanish Commercial Treaty of the 31st October, 1922, and to request you to inform your Ministers that the position is as follows.

2. In the absence of special arrangements to the contrary, goods produced or manufactured in any of the self-governing Dominions to which the stipulations of the Treaty have not been made applicable under Article 24 (as will be the position of the Irish Free State), are liable to be charged, on importation into Spain, the rates of duty specified in the First Column of the Spanish Customs Tariff, a copy of which was enclosed in my despatch No. 68 of the 12th February.† In view of the fact that the Dominions at present accord most-favoured-nation treatment to Spanish goods, the Spanish Government agreed, as a special concession, to grant to goods produced or manufactured in the Dominions the rates of duty specified in the Second Column of the Spanish Tariff, for a period of six months from the coming into force of the Treaty, i.e., until the 5th May, 1923. After that date, however, they are only prepared to grant Second Column rates (instead of First Column rates) to goods produced or manufactured in any of the Dominions to which the stipulations of the Treaty have not been made applicable, if the Government of the Dominion concerned is prepared to give an undertaking that it will continue to grant to Spanish goods imported into the Dominion treatment as favourable as that accorded to goods produced or manufactured in any other foreign country. If such an undertaking is given, the arrangement will continue in force for an indefinite period, subject to six months' notice of termination on either side; i.e., it will be open to the Irish Free State Government, if such an undertaking is given on its behalf, to cease to grant most-favoured-nation treatment to Spanish goods by giving six months' notice to that effect, and it will be open to the Spanish Government, by giving a similar notice, to cease to grant Second Column rates to goods produced or manufactured in the Irish Free State.

3. I should be glad to learn, at your Ministers' early convenience, whether they desire such an undertaking to be given to the Spanish Government on their behalf, in order that goods, the produce or manufacture of the Irish Free State, imported into Spain after the 5th May, may be dealt with in accordance with the Second Column of the Spanish Tariff, instead of the First Column.

I have, &c.,

DEVONSHIRE.

* No. 351.

† No. 343.

25074

No. 353.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.45 a.m., 18th May, 1923.)

TELEGRAM.

[Answered by Nos. 356 and 367.]

17TH MAY. Your telegram of 17th April,* commercial relations between Spain and Canada. Spanish Government desire Canada to adhere to the Anglo-Spanish Commercial Treaty. In some respects that Treaty, while well adapted to British trade, is not suited to Canadian conditions. Canadian Ministers, Fielding and Lapointe, discussed the whole subject fully with the Spanish Ambassador, London, setting forth Canadian Government's views and suggesting that negotiations be entered into with the view to making special treaty. After the return of the Ministers to Canada they received further communication from the Spanish Ambassador, but it merely reiterated the former expression of desire that Canada adhere to the Anglo-Spanish Treaty. Canadian Ministers again pointed out the difficulty of doing this and suggested that further negotiations be continued with the Spanish Consul-General in Canada or any other authorized representative of the Spanish Government. To this request no reply has been received. Canadian trade with Spain is not extensive, but such as there is is largely favourable to Spain. Canadian Government earnestly desirous of making friendly arrangement so that they extend to Spain the benefit of most-favoured-nation. Refusal of Spanish Government to consider Canadian request for further negotiations would make the products of Spain imported into Canada subject to Canadian general tariff, which situation Canadian Government are earnestly anxious to avoid. Canadian Government will be pleased to have Your Grace convey the substance of this communication to the Spanish Government either through Spanish Ambassador in London or through British Ambassador at Madrid or through both channels, as in Your Grace's judgment may be deemed best.—BYNG.

25684

No. 354.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.52 p.m., 22nd May, 1923.)

TELEGRAM.

[Answered by No. 361.]

22ND MAY. Your telegram of 17th April,† Spanish Tariff. Ministers accept on behalf of South-West Africa.—ARTHUR FREDERICK.

26309

No. 355.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.50 a.m., 28th May, 1923.)

TELEGRAM.

[Answered by No. 358.]

28TH MAY. Your telegram 17th April,‡ Anglo-Spanish Commercial Treaty. Answer to all three questions is in the negative.—GOVERNOR-GENERAL.

* No. 346.

† No. 347.

‡ No. 348.

26309

No. 356.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 253.)

MY LORD,

Downing Street, 31st May, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's telegram of the 17th May,* regarding the commercial relations between Canada and Spain, and to request you to inform your Ministers that I have asked the Secretary of State for Foreign Affairs to communicate with the Spanish Government in the sense desired by them.

2. I take this opportunity to enclose a copy of a despatch from His Majesty's Ambassador at Madrid, forwarding a translation of a Royal Order, regarding Customs Duties on goods imported into Spain from Canada and certain other countries.

I have, &c.,

DEVONSHIRE.

[24984]

Enclosure in No. 356.

MY LORD,

British Embassy, Madrid, 7th May, 1923.

I HAVE the honour to transmit herewith translation of a Royal Order issued by the Ministry of Finance, making certain concessions in regard to Customs Duties to the Spanish-American Republics, including Panama, Santo Domingo, and Haiti, and also establishing that Brazil, the United States and Canada shall be subject to the régime which is at present applied to them.

This Royal Order is apparently the outcome of the Commercial Congress which has recently been held in Spain (see my despatch No. 216 of 13th April).

Brazil at the present time receives First Column rates; the United States are in receipt of most-favoured-nation treatment until the 1st November; and the position of Canada is that she is receiving Second Column rates according to the special agreement made with the Spanish Government after the Anglo-Spanish Treaty was signed.

A copy of the Gazette is also attached.

I have, &c.,

ESMÉ HOWARD.

The Right Honourable

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.

Translation from *La Gaceta de Madrid*, 1st May, 1923, page 459.

MINISTRY OF FINANCE.

Royal Order.

His Majesty the King, in accordance with the proposal of the said Ministry (Finance) and the report of that Department (Customs) has been pleased to direct that, from the 1st May of the current year, the Second Column of the Customs Tariff now in force shall be applied to goods from Panama, Santo Domingo and Haiti, the same as to those of all other Spanish-American Republics; goods from Brazil, the United States and Canada, being subject to the tariff rates at present applied to them, or to such rates as shall in future be established by the corresponding Commercial Agreements, and that that Department (Customs) shall examine and settle or propose the settlement of the claims outstanding with reference to consignments in transit through Panama which have given rise to the application of the First Column of the tariff, on the most favourable terms possible.

Madrid, 30th April, 1923.

VILLANUEVA.

* No. 353.

T 2

28620

No. 357.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 288.)

MY LORD,

Downing Street, 20th June, 1923.

WITH reference to my despatch No. 253 of the 31st of May,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a Note addressed by His Majesty's Ambassador at Madrid to the Spanish Government regarding negotiations for a commercial agreement between Canada and Spain.

2. The note from the Spanish Government of the 24th of March,† to which reference is made, dealt with the extension to Protectorates and mandated territories of the Spanish proposals for the treatment of goods produced or manufactured in Dominions and Colonies to which the stipulations of the Treaty have not been made applicable.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 357.

(No. 146/938.8.)

YOUR EXCELLENCY,

British Embassy, Madrid, 28th May, 1923.

WITH reference to Your Excellency's Note No. 83 of 24th March last,‡ I have the honour to inform Your Excellency that His Majesty's Government have instructed me to state that the Canadian Government are desirous of entering into a special Commercial Treaty with His Catholic Majesty's Government.

As Your Excellency is doubtless aware, negotiations were entered into in London and Montreal, the Canadian Minister of Finance having discussed the matter fully with His Excellency the Spanish Ambassador in London. It would appear that the Canadian Government are anxious for further negotiations to be entered into with the Spanish Consul-General in Canada, or with any other authorized representative of His Catholic Majesty's Government.

In view of this desire expressed by the Canadian Government, I venture to request Your Excellency to be so good as to inform me whether His Catholic Majesty's Government will be prepared to negotiate an Agreement of this nature with Canada, and will appoint a representative for this purpose.

I avail, &c.,
ESMÉ HOWARD.

His Excellency

Sr. D. Santiago Alba,
Minister of State.

28620

No. 358.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 127.)

MY LORD,

Downing Street, 20th June, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's telegram of the 28th of May† regarding the Anglo-Spanish Commercial Treaty, and to request you to inform your Ministers that the Secretary of State for Foreign Affairs has been asked to make the necessary communication to the Spanish Government.

* No. 356. † Sub-enclosure in No. 350. ‡ No. 355.

315

2. I enclose a copy of a Note, dated 28th of May, which His Majesty's Ambassador at Madrid has addressed to the Spanish Government. It will be seen that the Ambassador has now formally accepted on behalf of New Zealand the Spanish proposals for the treatment of goods produced or manufactured in Dominions and Colonies to which the stipulations of the Treaty have not been made applicable.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 358.

YOUR EXCELLENCY,

British Embassy, Madrid, 28th May, 1923.

WITH reference to Your Excellency's Note No. 83 of 24th March last,* in which Your Excellency was good enough to inform me that His Catholic Majesty's Government was prepared to grant the benefit of the Second Column rates of duty in the Tariff for a period of six months, and subsequently until six months after the denunciation of the arrangement by either party, in exchange for most-favoured-nation treatment, to the Dominions and Colonies of Great Britain, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I now have the honour to accept this arrangement on behalf of the following Dominions, Colonies, Protectorates and Mandated Territories.

Dominions.

New Zealand.
Union of South Africa.

Colonies.

Bahamas.
Barbados.
Bermuda.
Basutoland.
British Guiana.
British Honduras.
Ceylon.
Cyprus.
Falkland Islands.
Fiji.
Gambia.
Gibraltar.
Gilbert and Ellice Islands.
Gold Coast.
Hongkong.
Jamaica.
Kenya.
Leeward Islands.
Malta.
Mauritius.
Nigeria.
St. Helena.
Seychelles.
Sierra Leone.
Straits Settlements.
Trinidad.
Windward Islands.

Protectorates.

Bechuanaland Protectorate.
Federated Malay States: Pahang, Perak, Selangor, Negri-Sembilan.
Unfederated Malay States: Johore, Kedah, Perlis, Kelantan and Trengganu.
Northern Rhodesia.
Nyasaland.
Southern Rhodesia.
Swaziland.

* Sub-enclosure in No. 350.

British Solomon Islands.
Somaliland.
Tonga.
Uganda.
Zanzibar.

Mandated Territories.

Palestine.
Iraq.
Cameroons (British Sphere.)
Tanganyika Territory.
Togoland (British Sphere.)

A separate Note is being addressed to Your Excellency with regard to the Dominion of Canada.

I avail, &c.,
ESMÉ HOWARD.

His Excellency
Sr. D. Santiago Alba,
Minister of State.

32831

No. 359.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd July, 1923.)

(No. 162.)

MY LORD DUKE, Governor-General's Office, Melbourne, 16th May, 1923.

WITH reference to Your Grace's cablegram of 17th April,* respecting the position of the Dominions in regard to the Anglo-Spanish Commercial Treaty, I have the honour, at the instance of my Prime Minister, to refer to my despatch dated 17th March, 1923, No. 93,† on the subject of the revision of the Spanish Customs Tariff.

My Prime Minister advises that the Commonwealth Government is not prepared to concede to Spanish products the guarantee of most-favoured-nation treatment which would be necessary in order to obtain the benefit of the Second Column rates of the Spanish Tariff for goods the produce of Australia.

My Prime Minister further advises that the Commonwealth Government does not propose to consider questions relating to Commercial Treaties with countries outside the British Empire until after the Empire Economic Conference has taken place, when proposals by foreign countries for commercial agreements will be considered in the light of the results of the Conference.

I have, &c.,
FORSTER,
Governor-General.

82911

No. 360.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd July, 1923.)

[Answered by No. 363.]

(No. 184.)

MY LORD DUKE, Viceregal Lodge, Dublin, 29th June, 1923.

I HAVE the honour to refer to Your Grace's despatch No. 253 of the 2nd May,‡ regarding the Anglo-Spanish Commercial Treaty.

* No. 349. † 22594: not printed; it intimated, with reference to an inquiry addressed to the Commonwealth Government in 1921 in connexion with the revision of the Spanish Customs Tariff, that the Commonwealth Government did not wish any representations to be made to the Spanish Government as to goods in which exporters in Australia were interested. ‡ No. 352.

2. The Free State Government are prepared to give an undertaking that they will continue to grant to Spanish goods imported into the Irish Free State treatment as favourable as that accorded to goods produced or manufactured in any foreign country, upon the understanding that the Spanish Government agrees to grant to goods produced or manufactured in the Irish Free State, on importation into Spain, the rates of duties specified in the Second Column of the Spanish Customs Tariff. It is proposed, on the part of the Free State Government, that this arrangement should continue in force for an indefinite period, subject to six months' notice of its termination on either side.

3. My Ministers will be obliged if Your Grace will cause the necessary steps to be taken to have their views in this matter communicated to the Spanish Government.

I have, &c.,
T. M. HEALY.

32412

No. 361.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 178.)

SIR,

Downing Street, 9th July, 1923.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's telegram of the 22nd of May,* regarding the arrangement by which the Spanish Government will accord the rates of duty specified in the Second Column of the Spanish Customs Tariff to goods produced in any Dominion, etc., not acceding to the Anglo-Spanish Commercial Treaty, which guarantees most-favoured-nation treatment to Spanish goods, and to transmit to you, for the information of your Ministers, copies of notes addressed to the Spanish Government by His Majesty's Ambassador and His Majesty's Chargé d'Affaires at Madrid respectively on the 28th of May† and the 22nd of June.

2. It will be seen that the Spanish proposals have now been formally accepted on behalf of the Union of South Africa and South-West Africa.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 361.

(No. 182/908.219.)

YOUR EXCELLENCY,

22nd June, 1923.

WITH further reference to Sir Esmé Howard's Note No. 147 of the 28th ultimo,‡ accepting the offer of His Catholic Majesty's Government to grant to British Dominions, Colonies, Protectorates and Mandated Territories, the benefits of the Second Column rates of duty in the Spanish Tariff in return for most-favoured-nation treatment to Spanish goods, I have the honour to inform Your Excellency that I have now been instructed by my Government to accept this arrangement, on behalf of the Union Government of South Africa, for the mandated territory of South-West Africa.

I avail, &c.,
HUGH GURNEY.

His Excellency
Sr. D. Santiago Alba,
Minister of State.

* No. 354. † Enclosure in No. 358.

32412

No. 362.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 149.)

My LORD,

Downing Street, 9th July, 1923.

WITH reference to my despatch No. 127 of the 20th of June,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a Note addressed to the Spanish Government by His Majesty's Chargé d'Affaires at Madrid regarding the position of New Zealand and Western Samoa in relation to the Anglo-Spanish Commercial Treaty of 1922.

I have, &c.,

DEVONSHIRE.

[32227]

Enclosure in No. 362.

(No. 176/908.217.)

YOUR EXCELLENCY,

British Embassy, Madrid, 14th June, 1923.

WITH reference to Sir Esmé Howard's Note No. 147 of 28th May,† regarding the acceptance by the Dominion of New Zealand of the arrangement whereby the benefits of the Second Column rates of duty in the Spanish Tariff were granted for a period of six months in exchange for most-favoured-nation treatment to Spanish imports, I am now directed by His Majesty's Principal Secretary of State for Foreign Affairs to inform Your Excellency that the New Zealand Government do not desire that the stipulations of the Treaty should be made applicable in respect of New Zealand or of Western Samoa, nor do they desire that the proposals of His Catholic Majesty's Government outlined above which have been accepted in respect of New Zealand should be accepted on behalf of Western Samoa. Your Excellency will note that Western Samoa was included in the list of Mandated Territories submitted to Your Excellency in Sir Esmé Howard's Note No. 28 of 23rd January last, as granting most-favoured-nation treatment to Spanish goods, and to which territory in consequence His Majesty's Government presume the benefits of the Second Column of the Spanish Customs Tariff are being accorded.

In view, however, of the non-acceptance of this arrangement on behalf of Western Samoa, I should be grateful if Your Excellency would be so good as to delete this Mandated Territory from the list of those given on page 2 of the above-mentioned Note.

This Mandated Territory was not included in Sir Esmé Howard's Note No. 147.

I avail, &c.,

HUGH GURNEY.

His Excellency

Don Santiago Alba,
Minister of State.

38559

No. 363.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 481.)

SIR,

Downing Street, 10th August, 1923.

WITH reference to Your Excellency's despatch No. 184 of the 29th June,‡ I have the honour to transmit to you, for the information of your Ministers, a copy of a Note from His Majesty's Chargé d'Affaires at Madrid to the Spanish Minister of State regarding the wishes of the Government of the Irish Free State on the matter of the Anglo-Spanish Commercial Treaty.

I have, &c.,

DEVONSHIRE.

* No. 358.

† Enclosure in No. 358.

‡ No. 360.

Enclosure in No. 363.

(No. 204. 908,229.)

British Embassy, Buen Pastor 17,

San Sebastian, 18th July, 1923.

YOUR EXCELLENCY,

WITH further reference to Sir Esmé Howard's Note No. 147 of the 28th May* last, I have the honour to inform Your Excellency, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, that the Government of the Irish Free State are prepared to give an undertaking that they will continue to grant to Spanish goods imported into the Free State treatment as favourable as that accorded to goods produced or manufactured in any foreign country, upon the understanding that the Spanish Government agree to grant to goods produced or manufactured in the Irish Free State, on importation into Spain, the rates of duties specified in the second column of the Spanish Customs Tariff, this arrangement to continue in force for an indefinite period subject to six months' notice of its termination on either side.

I avail, &c.,

HUGH GURNEY.

His Excellency

Don Santiago Alba,
Minister of State.

42221

No. 364.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada. No. 408.)

(Commonwealth of Australia. No. 337.)

(New Zealand. No. 195.)

(Union of South Africa. No. 221.)

[MY LORD,] [SIR,]

Downing Street, 3rd September, 1923.

WITH reference to my despatch No. [142] [115] [65] [74] of the 26th of March,† I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] for the information of your Ministers, a translation of a Notice published in the *Madrid Gazette* of the 14th of August in regard to the arrangement for the treatment of goods imported into Spain from those parts of the British Empire to which the provisions of the Anglo-Spanish Commercial Treaty of the 31st of October, 1922, have not been made applicable.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 364.

TRANSLATION FROM THE *Gaceta de Madrid*.

14th August, 1923.

MINISTRY OF STATE.

Under-Secretary's Office, Commercial Section.

THE Governments of Spain and Great Britain have agreed to apply to the products of British India, and to those of the Dominions, Colonies, Protectorates and territories under British Mandate which are mentioned below, on importation into Spain and as from the date of coming into force of the Hispano-British Treaty of Commerce and Navigation of 31st October, 1922, the duties of the Second Column of the Spanish Customs Tariff in force, in return for the most-favoured-nation treatment which the above-mentioned Dominions, Colonies, Protectorates and Mandated Territories grant to Spanish products, an arrangement which, having been accepted by the countries in question, shall remain in force until six months after either of the two High Contracting Parties shall have denounced it.

* Enclosure in No. 358. † No. 345.

The countries to which reference is made are the following:—

Dominions.—New Zealand, Union of South Africa.

Colonies.—Bahamas, Barbados, Bermuda, Basutoland, British Guiana, British Honduras, Ceylon, Cyprus, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Hongkong, Jamaica, Kenya, Leeward Islands, Malta, Mauritius, Nigeria, St. Helena, Seychelles, Sierra Leone, Straits Settlements, Trinidad, Windward Islands.

Protectorates.—Bechuanaland Protectorate, Federated Malay States: Pahang, Perak, Selangor, Negri-Sembilan; Unfederated Malay States: Johore, Kedah, Perlis, Kelantan and Trengganu; Northern Rhodesia, Nyasaland, Southern Rhodesia, Swaziland, British Solomon Islands, Somaliland, Tonga, Uganda, Zanzibar.

Mandated Territories.—Palestine, Iraq, Cameroons (British Sphere), Tanganyika Territory, Togoland (British Sphere).

Which is made public for general information with reference to the announcement inserted in the *Gazette* of 9th March last and in amplification of the same.

F. ESPINOSA DE LOS MONTEROS,
The Under-Secretary.

Madrid,
8th August, 1923.

42366

No. 365.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 369.]

(No. 548.)

SIR, Downing Street, 13th September, 1923.

WITH reference to my despatch No. 481 of the 10th August,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, the translation of a Note of the 8th August, addressed by the Spanish Minister for Foreign Affairs to His Majesty's Chargé d'Affaires at Madrid, regarding the arrangements for the treatment of goods exchanged between the Irish Free State and Spain.

2. Your Ministers will observe that, before regarding the proposed Agreement as definitely concluded, the Spanish Government desire a slight modification in the terms of the undertaking which, as I was informed in your despatch No. 184 of the 29th June,† your Ministers are prepared to give in this connexion.

3. I have accordingly to inquire whether His Majesty's Minister at Madrid may be instructed to inform the Spanish Government that the treatment which the Government of the Irish Free State concede to Spanish products will be the same as the Free State may have conceded, or may in the future concede, to those of any other country.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 365.

(No. 214.)

(Translation.)

SIR, Ministry of State, Madrid, 8th August, 1923.

IN view of your Note No. 204 of 18th July last,‡ in which you were good enough to inform me that the Irish Free State is prepared to come to an agreement in virtue of which it will continue to grant to Spanish goods imported into the Irish Free State the same treatment as it concedes to goods produced or manufactured in any other country, provided that His Majesty's Government is prepared to grant to goods produced or manufactured in the Irish Free State on their importation into Spain, rates of the Second Column of the Spanish Tariff, and

* No. 363. † No. 360. ‡ Enclosure in No. 363.

that this agreement will be in force for an indefinite period until six months after either of the contracting parties denounce it, I have the honour to inform you that His Majesty's Government consent to the terms of the agreement in question with the stipulation, however, that the treatment which the Irish Free State concede to Spanish products will be the same as the said State may have conceded, or may in the future concede to those of any other country.

In consequence, if the Government of the said State agrees to this stipulation, the agreement can be concluded by the present Note, and the one which you will address to me in answer to the same.

I avail, &c.,
S. ALBA.

Hugh Gurney, Esq.,
H. M. Chargé d'Affaires.

46361

No. 366.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 469.)

MY LORD,

Downing Street, 24th September, 1923.

WITH reference to my despatch No. 408 of the 3rd of September,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, a translation of a statement published in the *Eco de las Aduanas* of 7th September, regarding the application of the Second Column rates of the Spanish Tariff to goods from Canada.

2. In forwarding this translation, His Majesty's Ambassador at Madrid has reported that he has received no reply to his Note of the 28th of May to the Spanish Government, of which a copy was forwarded in my despatch No. 288 of the 20th of June,† and adds that the reply quoted in the statement, although only of a semi-official character, is, so far as he is aware, the first publication regarding the position of Canada, and it may now, he thinks, be taken for granted that Canadian goods, on importation into Spain, will be subject to First Column rates of duty.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 366.

(Translation from *El Eco de las Aduanas*, September 7th, 1923.)

Query.—The last number of *El Eco de las Aduanas* reproduces a notice of the Commercial Section of the Ministry of State, published in the *Madrid Gazette* of the 14th instant, to the effect that the Governments of Spain and Great Britain have agreed to apply the duties of the Second Column to goods from the Dominions, Colonies, Protectorates and Mandated Territories of Great Britain enumerated in the said notice. Canada is not included in the said enumeration.

We should be glad if you would kindly inform us, through the Query Column of the *Eco de las Aduanas* whether it is correct to assume that the duties of the Second Column are applicable also to goods from Canada as a consequence of the Agreement between His Majesty's Government and that of Great Britain of the 1st of March, 1923, published in the *Gazette* of the 7th March and rectified in the *Gazette* of the 9th March, in virtue of which the duties of the Second Column of the Tariff are applied to all the Dominions, this arrangement to remain in force for a first period of six months, and to continue until six months after the denunciation of the arrangement.

Reply.—We take it that the Dominion of Canada is not entitled to the Second Column of the Tariff, in view of the fact that it is not included in the Agreement referred to by our consultant.

* No. 364. † No. 357.

48149

No. 367.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.55 p.m., 2nd October, 1923.)

TELEGRAM.

[Answered by No. 370.]

2ND OCTOBER. Your telegram 17th May,* my despatch 24th September, 469.† British Ambassador Madrid understands that there is danger that, if Spanish Government now imposes First Column duties on Canadian goods in view of Canada not having accepted arrangement described my telegram 17th April,‡ all goods from Canada which have entered Spain since beginning of May may be required to pay First Column duties. British Ambassador has not received reply to note enclosed my despatch 20th June, 288.§—DEVONSHIRE.

48149

No. 368.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

My LORD, Downing Street, 4th October, 1923.

WITH reference to my telegram of the 2nd of October,|| I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a despatch from His Majesty's Ambassador at Madrid regarding the probable abandonment of negotiations for a commercial treaty between the United States of America and Spain, and the prospective advantages to Canadian firms.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 368.

(No. 528. 18.97.)

My LORD, British Embassy, San Sebastian, 20th September, 1923.

ACCORDING to a statement by a member of the staff of the American Embassy, the United States will in all probability break off their negotiations for a commercial treaty shortly. The recent declarations to Press representative by the President of the new Directorate, to the effect that the granting of authority to the late Government by Parliament, now dissolved, to negotiate Treaties on the basis of concessions below the Second Column rates of the Tariff was an iniquity in itself sufficient to justify the revolt, clearly reveal the Tariff policy of the new Government.

Evidence is accumulating to show that the "Fomento de Trabajo Nacional" has submitted data to the new Government to prove that in their negotiations with England, France and other countries, the late Governments have shown leniency by no means compatible with the welfare of Spanish industries. A large number of newspapers hitherto antagonistic to the policy of Cambó and the "Fomento Nacional" have recently inserted tendentious articles in support of the views of the latter. The data furnished in a pamphlet of this kind which has appeared in Barcelona to show how Spain has been engineered into signing Treaties detrimental to her interests are, on examination in this office, found to be completely false, the compilers obviously feeling secure from discovery owing to the general indifference and ignorance concerning these questions.

In view of the fact that the Treaty between Spain and Great Britain has not yet been ratified by Parliament it seems desirable that these facts should be placed on record. At the same time it may be well to point out that, should commercial relations between Spain and the United States actually be broken off, and imports

* No. 353. † No. 366. ‡ No. 346. § No. 357. || No. 367.

from the latter country cease, excellent opportunities may present themselves for firms established in Canada to deliver goods hitherto obtained in the neighbouring country. Unfortunately, Canada has not adhered to the Treaty between Spain and Great Britain, nor to the *modus vivendi* concluded with the Colonies and Dominions, and in all probability First Column rates will soon be applied to goods from that country unless an Agreement be arrived at. Firms interested in the prospects which may develop of doing business with Canada are anxious that the Canadian Government should come to a speedy decision.

I have, &c.,

ESMÉ HOWARD.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,

&c.,

&c.,

&c.

49605

No. 369.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th October, 1923.)

[Answered by No. 371.]

(No. 288.)

My LORD DUKE,

Vice Regal Lodge, Dublin, 10th October, 1923.

I HAVE the honour to refer to Your Grace's despatch No. 548 of the 13th ultimo,* regarding the arrangements for the treatment of goods exchanged between the Irish Free State and Spain.

2. The undertaking indicated in my despatch No. 184 of the 29th June last,† on this subject, may be accepted by the Spanish Government as being exactly the same as all undertakings of a like nature which the Free State Government have entered into with foreign countries other than Spain.

3. My Ministers will feel obliged if Your Grace will cause the necessary steps to be taken to have the foregoing information communicated to the Spanish Government.

I have, &c.,

T. M. HEALY.

51366

No. 370.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.20 p.m., 20th October, 1923.)

TELEGRAM.

20TH OCTOBER. Your telegram of 2nd October,‡ Commercial relations with Spain. Position of Canadian Government was clearly set forth in my telegram of 17th May.§ Canadian Government have received no communication from the Spanish Government in answer to representations then made.—BYNG.

51132

No. 371.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 619.)

SIR,

Downing Street, 24th October, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 288 of the 10th October,|| regarding the treatment to be accorded to Spanish goods imported into the Irish Free State.

* No. 365. † No. 360. ‡ No. 367. § No. 353. || No. 369.

2. Your Ministers will recollect that in the Note of the 8th August from the Spanish Ministry of State, of which a copy was enclosed in my despatch No. 548 of the 13th September,* the Spanish Government expressed their desire for a slight modification of the terms of the undertaking contained in your despatch No. 184 of the 29th June.†

3. The Secretary of State for Foreign Affairs has pointed out that your despatch under reply would appear merely to be confined to a definition of the undertaking previously given. It is feared that the Spanish Government will not be satisfied without a definite assurance from your Ministers that their undertaking covers any future as well as existing privileges accorded to other States.

4. I shall be glad, therefore, to be informed whether His Majesty's Ambassador in Madrid may be authorized to give the Spanish Government formally on behalf of the Government of the Irish Free State an assurance that Spanish produce will receive treatment as favourable as that which the Irish Free State may have conceded, or may in the future concede, to any other country.

I have, &c.,

DEVONSHIRE.

56190

No. 372.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 696.)

SIR, Downing Street, 6th December, 1923.

WITH reference to my despatch No. 619 of the 24th October,‡ I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of correspondence with the High Commissioner in London regarding the effect of the undertaking which the Spanish Government desire your Government to give in connexion with the treatment to be accorded to Spanish goods imported into the Irish Free State.

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 372.

Office of the High Commissioner, York House, 15, Regent Street,

SIR, London, S.W.1, 20th November, 1923.

I AM directed by the High Commissioner to refer to despatch No. 619, on the subject of the "Treaty of Commerce and Navigation between the United Kingdom and Spain," and to say that the following point in connexion therewith has come under the notice of the Home Department concerned.

The Spanish Government wish the Irish Free State to concede to Spanish produce treatment as favourable as that conceded now or in the future to produce of "any other country," and it is not quite clear whether the words "any other country" are intended to include Great Britain, Canada, Australia, New Zealand, etc. If the Spanish Government wish to have an undertaking now that any arrangement made with any of the above-mentioned countries, by way of Imperial Preference, should apply to Spanish produce also, such a course would be inconsistent with the whole basis of a system of Imperial Preference. I am, accordingly, to ask you to be good enough to ascertain and inform me at your early convenience whether the Spanish Government mean by "any other country" all countries except Great Britain and the Dominions, or whether the term in question is intended to mean all countries without exception.

I am, &c.

M. H. ELIASOFF,
i/c Secretary.

The Under Secretary of State,
Colonial Office (Irish Branch),
38, Old Queen Street, S.W.1.

* No. 365. † No. 360. ‡ No. 371.

Enclosure 2 in No. 372.

SIR,

Colonial Office, 6th December, 1923.

IN reply to your letter of the 20th November, on the subject of the Treaty of Commerce and Navigation between the United Kingdom and Spain, I am directed by the Duke of Devonshire to request you to inform the High Commissioner that the words "any other country" in the Note from the Spanish Minister for Foreign Affairs of the 8th August cannot be held to include any part of the British Empire.

2. It has invariably been held by His Majesty's Government that the grant of most-favoured-nation treatment to countries not forming part of the British Empire does not involve the extension to the products of those countries of any preference granted to Empire products.

3. In this connexion I am to transmit to you a copy of a Parliamentary Paper (Cd. 1630) containing Correspondence with the Governments of Belgium and Germany as to their commercial relations with Great Britain and British Colonies.

I am, &c.,

L. B. FREESTON.

The Secretary,

Office of the High Commissioner
for the Irish Free State.

SPITZBERGEN.

Treaty of 1920—Mining Regulations.

(Treaty Series 1924, No. 18.)

5872

No. 373.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.

} Dominions Treaty No. 8. Confidential.)

[MY LORD,] [SIR,]

Downing Street, 15th February, 1923.

WITH reference to my Confidential despatch Dominions Treaty No. 5 of the 5th of February* and to previous correspondence, I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] to be laid before your Ministers, a copy of mining regulations† for the Archipelago of Spitzbergen and Bear Island, which have been drawn up by the Norwegian Government in accordance with Article 8 of the treaty relating to Spitzbergen.

2. I also enclose a copy of a despatch from His Majesty's Chargé d'Affaires at Christiania enclosing a copy of a Note from the Norwegian Minister for Foreign Affairs relative to certain amendments to the mining regulations, which have been proposed by the Netherlands Government and accepted by the Norwegian Government. It will be observed that the latter have also suggested minor alterations in the French translation of the regulations designed to give a more accurate rendering of the Norwegian text. His Majesty's Government have no objection to the proposed amendments subject to the English version of Article 12 (2) (c) being amended so as to read: "The claim shall be given as a plain superficies the area of which, fixed in accordance with the request of the applicant and the character of the deposit, shall not exceed 1,000 hectares."

3. Having regard to the trifling nature of the amendments, it is considered very improbable that any of the other signatory Powers will consider it necessary to set up the Commission provided for in the final paragraph of Article 8 of the Spitzbergen treaty.

I have, &c.,

DEVONSHIRE.

* 5582: not printed; it dealt with the attitude of Russia towards the Convention.

† Not printed here.

Enclosure in No. 373.

(No. 455.)
(N 11158.)

MY LORD,

British Legation, Christiania, 14th December, 1922.

WITH reference to my despatch No. 433 of 25th November, I have the honour to transmit herewith a copy of a Note which I have received from the Minister for Foreign Affairs and two enclosures therein, relative to the Draft Mining Regulations for Spitzbergen.

The first enclosure contains the text of the amendment to Article 12 of the Regulations proposed by the Netherlands Government and accepted by the Norwegian Government, regarding the shape and boundaries of mining concessions; the second embodies certain verbal alterations in the French translation of the Draft Regulations designed to give a more accurate rendering of the Norwegian text.

I shall be grateful to be informed what reply I should return to the request contained in the last paragraph of Monsieur Mowinckel's Note.

I have, &c.,

W. ST. C. ROBERTS.

The Most Hon.

The Marquess Curzon of Kedleston, K.G.,

&c. &c. &c.

MONSIEUR LE CHARGÉ D'AFFAIRES,

Kristiania le 13 décembre, 1922,
20 annexes.

PAR une lettre en date du 7 septembre 1921 Monsieur Raestad a transmis à Sir Mansfeldt Findlay le projet de Règlement Minier du Spitzberg (Svalbard), présenté par le Gouvernement norvégien conformément aux dispositions de l'article 8 du traité du Spitzberg, signé à Paris le 9 février 1920 entre les Etats-Unis d'Amérique l'Empire Britannique, le Danemark, la France, l'Italie, le Japon, la Norvège, les Pays-Bas et la Suède.

Le projet de règlement minier en question a été soumis à l'examen des Gouvernements de toutes les Puissances signataires. Aucun des Gouvernements n'a soulevé d'objections contre les dispositions du projet; sauf le Gouvernement néerlandais qui a proposé d'y apporter quelques amendements.

Après des négociations entre le Gouvernement norvégien et le Gouvernement néerlandais les deux Gouvernements se sont mis d'accord au sujet d'une modification à apporter à l'article 12 du dit projet.

Cette modification est indiquée dans un aide-mémoire que je me permets de vous transmettre sous ce pli en dix exemplaires, en Vous priant de bien vouloir le faire parvenir à Votre Gouvernement. Je Vous serais reconnaissant de bien vouloir transmettre en même temps à Votre Gouvernement un autre-aide-mémoire, également ci-inclus en 10 exemplaires, indiquant quelques corrections que le Gouvernement norvégien a trouvé désirable de faire à la traduction française des articles 2, 6, 7, 9, 13, et 14, pour la porter en concordance plus complète avec le texte norvégien.

En vue des stipulations finales du traité, j'adresse en même temps, par le Ministre de Norvège à Paris, au Ministre des Affaires Etrangères de la République Française un certain nombre d'exemplaires des mêmes documents pour être transmis par ses soins aux représentants des Puissances signataires à Paris.

Je Vous prie de vouloir bien me faire savoir aussitôt que possible si Votre Gouvernement accepte la modification dont les Gouvernements norvégien et néerlandais sont convenus et je profite de l'occasion pour Vous renouveler, etc.

J. L. MOWINCKEL.

AIDE-MÉMOIRE.

Amendement au projet du Règlement Minier du Spitzberg (Svalbard) présenté par le Gouvernement Norvégien.

L'article 12, alinéa 2.c aura la teneur suivante:

Traduction anglaise :—*

"The claim shall be given as a plain superficies having a square content as per the request of the applicant and the character of the deposit up to 1,000 hectares. Ordinarily the claim shall be given in the form of a rectangular parallelogram, the length and breadth of which are fixed by the applicant himself, the limitation being

* The original Norwegian is not reproduced.

that the length may not be more than four times the breadth. Dispensations from the rectangular form should be given by request of the applicant, when this is dictated by the configuration of the coast-line or other natural boundaries, and provided that the claim in no direction exceeds a length of 7 kilomètres. The boundaries are comprised within vertical planes passing through the boundary lines on surface and projected indefinitely downwards.

AIDE-MÉMOIRE.

Modifications de la traduction française.

a. Les mots "ou fossiles" seront ajoutés dans la traduction française partout où figurent les mots "substances minérales," voir les articles 2, 7, 9 et 14 (ajoutés sur la demande du gouvernement néerlandais).

b. La traduction française de l'article 6 sera conçue comme suit: "Les agents publics ne sont pas admis à faire des déclarations de découvertes, à obtenir des concessions, à posséder, en entier ou en partie, des concessions, ni à servir d'intermédiaires pour la vente de découvertes ou de concessions dans l'étendue de leur district."

c. La traduction française de l'article 13 sera conçue comme suit:

"1. Quiconque voudra attaquer les décisions prises par le Chef du Service des Mines pendant la délimitation d'une concession devra intenter une action judiciaire dans un délai de six mois à dater de l'insertion au Journal Officiel de la notification de l'acte de concession délivré, ou, si la délimitation de concession a été refusée, dans un délai de six mois à dater de ce refus.

2. La concession devient définitive si aucune action judiciaire n'a été intentée avant l'expiration du délai fixé, ou si une action intentée à temps a été valablement jugée ou rejetée ou a été l'objet de désistement."

13954

No. 374.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 4.30 p.m., 24th March, 1923.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

24TH MARCH. Under final provisions of Spitzbergen Treaty, Mining Regulations and Treaty are to come into force simultaneously. Desired that Treaty should be ratified at early date, and, in view of your Government's concurrence in ratification, proposed to accept Regulations in their amended form and arrange for ratification of Treaty accordingly. Regulations enclosed in my despatch 15th February, Dominions Treaty 8 Confidential.*—DEVONSHIRE.

* No. 373.

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28263

No. 375.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

Confidential. Dominions Treaty No. 24.)

[MY LORD,] [SIR,]

Downing Street, 8th June, 1923.

WITH reference to my Confidential despatch Dominions Treaty No. 8 of the 15th February* and to my telegram of the 24th March,† I have the honour to request [Your Excellency] [Your Royal Highness] to inform your Ministers that His Majesty's Minister at Christiania has been authorized to inform the Norwegian Government that the mining regulations for the Archipelago of Spitzbergen and Bear Island are accepted on behalf of His Britannic Majesty.

I have, &c.,

DEVONSHIRE.

Note.—His Majesty's ratification of the Treaty was deposited on the 29th December, 1923.

TANGIER CONVENTION.

(Treaty Series 1924, No. 23.)

60218

No. 376.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 5.45 p.m., 8th December, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

8TH DECEMBER. Confidential. Since position with regard to Tangier explained by Secretary of State for Foreign Affairs at Imperial Conference, representatives of Great Britain, France and Spain have met in conference at Paris with a view to framing statute for the town and zone. Following are particulars of progress made.

French delegates, whose unyielding attitude in the early stages threatened to result in breakdown of the Conference, were eventually induced to make important concessions, with the result that satisfactory compromise expected. Main desiderata from the British point of view, namely, neutrality of the zone in time of war and the principle of the open door for trade in time of peace, assured. Sultan is to be recognized as titular Sovereign of the zone, but his authority will be virtually confined to matters connected with the control of the native population. General administration is to be entrusted to international assembly composed of representatives of signatories of the Act of Algeiras, except ex-enemy Powers and Russia, and of the native and Jewish populations. Distribution of votes on this body ensures its genuinely international character. In addition, there is to be committee of control consisting of the foreign consular representatives, whose duty will be to ensure observance generally of the provisions of the Statute, and who will have right to veto measures passed by the Assembly. This system and the arrangements for the allotment and tenure of various administrative posts are designed to provide adequate guarantee for the maintenance of the principle of internationalization.

* No. 373.

† No. 374.

In return for abandonment of claim that Tangier should be incorporated in the Spanish zone, Spain is to receive compensation in the form of minor territorial adjustment.

Tangier Statute provides for Mixed Tribunal of six judges, two British, two French and two Spanish. Of these, one French and one Spanish will act as Public Prosecutors. Code of law to be enforced will be drawn up by special committee of experts and based upon code of the French and Spanish zones of Morocco, which are practically identical. It would not have been possible to draw up special code for Tangier based upon British and French conceptions of law which are fundamentally different. When the new regime comes into force Consular jurisdiction at Tangier will be abolished and all foreigners subjected to the jurisdiction of the Mixed Tribunal.—DEVONSHIRE.

61583

No. 377.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)
(Irish Free State. No. 760.)

Dominions No. 483.)

[MY LORD,] [SIR,]

Downing Street, 31st December, 1923.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a statement* which has been issued to the Press relative to the new Convention dealing with the status of Tangier.

I have, &c.,

DEVONSHIRE.

61583

No. 378.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

Dominions No. 484. Confidential.)

[MY LORD,] [SIR,]

Downing Street, 31st December, 1923.

WITH reference to my despatch Dominions No. 483 of even date† regarding the new Convention dealing with the status of Tangier, I have the honour to refer to my Confidential telegram of the 8th December.‡

I have, &c.,

DEVONSHIRE.

* Not printed here; it summarized the provisions of the Convention.

† No. 377.

‡ No. 376.

TERRITORIAL WATERS.

(1) Colombia: Law Claiming Twelve-mile Limit.

18584

No. 379.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 152. Confidential.)

[MY LORD,] [SIR,]
Downing Street, 2nd May, 1923.
WITH reference to my Confidential despatch Dominions No. 405 of the 27th of November last,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, the accompanying copy of correspondence with His Majesty's Minister at Bogota regarding a recent law of Colombia claiming a zone of twelve nautical miles as territorial waters.

I have, &c.,
DEVONSHIRE.

Enclosure 1 in No. 379.

(No. 17.)

MY LORD,
British Legation, Bogotá, 24th February, 1923.
I HAVE the honour to draw Your Lordship's attention to Article 17 of Law No. 14 of 1923 relative to the petroleum industry, a copy of which was forwarded in my despatch No. 16 of this date.

The Article, translated, is as follows:—

"For the purposes of Article 38 of Law 120 of 1919 relative to deposits of hydrocarbons and of Law 96 of 1922 relative to fisheries in the waters of the Republic, territorial waters shall be understood to mean a zone of twelve nautical miles round about the shores of the continental and insular dominions of the Republic."

It is possible that this assumption of rights may have been inspired by recent claims put forward by the United States Government. I presume Your Lordship will not allow the claim to go unchallenged.

A copy of the article in the original Spanish is enclosed for purposes of reference.

I have, &c.,
HERBERT HERVEY.

The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.,
Foreign Office, London.

"Artículo 17. Para los efectos del artículo 38 de la Ley 120 de 1919, sobre yacimientos o depósitos de hidrocarburos, y de la Ley 96 de 1922, sobre pesca en los mares de la República, se entiende por mar territorial una zona de doce millas marinas en torno de las costas del dominio continental y del dominio insular de la República."

Enclosure 2 in No. 379.

(No. 28.)

MY LORD,
Foreign Office, S.W.1, 11th April, 1923.
I HAVE received your despatches Nos. 16 and 17 of the 24th February last relative to Law No. 14 of 1923 dealing with the Petroleum Industry.

* No. 290 in Dominions No. 87.

2. I should be glad if you would inform the Colombian Government that His Majesty's Government can only recognize the validity of Article 17 of this law in so far as its provisions do not infringe the undoubted rights of His Majesty's Government in international law.

I am, &c.,
(For the Secretary of State)
G. R. WARNER.

Lord H. A. R. Hervey,
&c., &c., &c.

47772

No. 380.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(Irish Free State. Confidential.)

Dominions No. 376. Confidential.)

[MY LORD,] [SIR,]
Downing Street, [4th] [6th] October, 1923.
WITH reference to [To 5 Dominions: my Confidential despatch Dominions No. 152 of the 2nd of May,*] [To Irish Free State: recent correspondence regarding the limits of territorial waters,] I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, the accompanying [To 5 Dominions: copy of a despatch from] [To Irish Free State: copies of correspondence† with] His Majesty's Chargé d'Affaires at Bogota regarding Article 17 of Colombian Law No. 14 of 1923, relative to the petroleum industry, which claims a zone of twelve nautical miles as territorial waters.

[To Irish Free State: 2. Similar despatches are being sent to the other self-governing Dominions.]

I have, &c.,
DEVONSHIRE.

Enclosure 1 in No. 380.

(No. 66.)

MY LORD,
British Legation, Bogota, 20th August, 1923.
WITH reference to Your Lordship's despatch No. 28 of 11th April last relative to Law No. 14 of 1923 dealing with the petroleum industry in Colombia, I have the honour to inform Your Lordship that I addressed a note to the Minister for Foreign Affairs on 26th May last, pointing out that His Majesty's Government could only recognize the validity of Article 17 of the above-mentioned Law in so far as its provisions did not infringe the undoubted rights of His Majesty's Government in international law.

2. The Colombian Government, in their reply, state that in their opinion both doctrine and practice relative to the question of territorial waters are uncertain, and they suggest that such matters and others of importance included in the *jus gentium* might usefully be the subject of an international agreement. They consider, however, that in the specific case of Law 14 of 1923, the rights of His Majesty's Government are not and cannot be infringed, inasmuch as Colombian legislation will always be adjusted to the requirements of international law.

3. Copy and translation of the note from the Colombian Government are enclosed herewith.

I have, &c.,
C. C. A. LEE.

The Most Honourable
The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.,
Foreign Office.

* No. 379.

† Enclosures in No. 379.

Enclosure 2 in No. 380.

(Translation.)

Ministry for Foreign Affairs, Bogota,

18th August, 1923.

M. LE CHARGÉ D'AFFAIRES,

THIS Ministry has given due attention to the note in which the British Legation, as instructed by its Government, points out that His Majesty's Government can only recognize the validity of Article 17 of Law 14 of 1923 in so far as its provisions do not infringe the undoubted rights which His Majesty's Government have in international law.

It is clear that doctrines and practice referring to territorial waters are at present passing through a period of general indecision from the legal point of view; and upon this and other important matters of the *jus gentium*, which lately have been under discussion, it would be of very great utility could an international agreement be arrived at which might have the sanction of the Great Powers.

Meanwhile, and for obvious reasons, the Colombian Government consider that Law 14 relative to petroleum does not infringe, and cannot infringe, rights of His Britannic Majesty's Government, inasmuch as Colombian legislation will always be adjusted to international law.

I avail myself, &c.,

JORGE VELEZ.

C. C. A. Lee, Esq.,

H.B.M. Chargé d'Affaires.

(2) Itlay: Visits of Foreign Warships.

30955

No. 381.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 229. Confidential.)

[MY LORD,] [SIR,]

Downing Street, 27th June, 1923.

WITH reference to my Confidential despatch Dominions No. 405 of the 27th of November last,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, the accompanying copy of correspondence between His Majesty's Ambassador at Rome and the Italian Government regarding the extent of Italian territorial waters.

2. It will be observed that the Minutes of the Tenth Plenary Session of the Commission appointed to consider the revision of the Rules of Warfare, copies of which were enclosed in my Confidential despatch Dominions No. 73, of the 5th of March,† contained a discussion of an amendment submitted by the Italian Delegate on this subject.

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 381.

(No. 580.)

Note Verbale.

THE attention of His Britannic Majesty's Government has been drawn to the Royal Italian Decree No. 860 of 28th May, 1922, Article 3 of which regulates the movements of foreign warships to a distance of six miles from the Italian coast.

* No. 290 in Dominions No. 87. † No. 9836, not printed; it enclosed documents relating to the meetings of the Commission, whose Report is printed in Cmd. 2201.

His Britannic Majesty's Embassy are instructed by His Britannic Majesty's Secretary of State for Foreign Affairs to inform the Royal Italian Government that His Britannic Majesty's Government can only recognize the validity of this decree, in so far as it does not infringe the undoubted rights of His Britannic Majesty's Government in international law.

British Embassy, Rome,

21st November, 1922.

Enclosure 2 in No. 381.

Translation of Note Verbale from Royal Italian Ministry for Foreign Affairs.

(No. 201505/13 of the 11th January, 1923.)

In their Note Verbale No. 580 of the 21st November last, the British Embassy asked for explanations in regard to the application of the Italian Royal Decree No. 860 of the 28th May last, on the subject of the anchorage of foreign warships in Italian waters.

In reply to that Note, the Ministry for Foreign Affairs has the honour to inform the Embassy that, according to the Ministry of Marine to whom the matter has been referred, the limit indicated in Article 3 of the above-mentioned Decree has been established at six miles, because that is the distance pronounced by Italy for her own territorial waters since the 6th August, 1914, according to Royal Decree No. 148.

The limit of territorial waters has not yet been definitely fixed by a general agreement between the nations, but it has always been defined as "the limit within which a state can exercise in fact its own sovereignty by means of arms without having recourse to the fleet."

Therefore, whilst for many years that limit could be tacitly held to be agreed as three miles, with the increase of the carrying power of guns, it is natural that it should be proportionately increased. In these last years also, other nations have extended it up to a maximum of six miles.

And in view of the fact that since the War, not only the carrying power of artillery, but also that of torpedoes has usually been much increased, it is held that it ought now to reach as far as ten miles.

Enclosure 3 in No. 381.

(No. 229.)

Note Verbale.

HIS Britannic Majesty's Embassy duly communicated to His Britannic Majesty's Secretary of State for Foreign Affairs the substance of the Note Verbale of the Royal Italian Ministry for Foreign Affairs No. 201505/83, E/IC of the 11th January last, relative to the movement of foreign warships at a distance of six miles from the Italian coast.

According to that Note, the Royal Italian Government contended that the limit of Italian territorial waters had been considered as six miles since August, 1914, and that, in view of the increased carrying power of artillery, etc., it should be proportionately increased, and should extend even as far as ten miles.

HIS Britannic Majesty's Embassy are authorized to inform the Royal Italian Government that His Majesty's Government cannot accept the view of the Royal Italian Government in this question.

British Embassy, Rome,

24th May, 1923.

(3) Norway: Use of Wireless Apparatus.

32560

No. 382.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada
Commonwealth of Australia
New Zealand
Union of South Africa
Newfoundland)

Dominions No. 246. Confidential.

[MY LORD,] [SIR,]

Downing Street, 7th July, 1923.

WITH reference to my Confidential despatch Dominions No. 429 of the 21st of December, 1922,* I have the honour to transmit to [Your Excellency] [Your Royal Highness,] [you,] for the information of your Ministers, the accompanying copy of correspondence between His Majesty's Minister at Christiania and the Norwegian Government, regarding the use of wireless apparatus on board ships of foreign non-belligerent Powers when within Norwegian territorial waters.

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 382.

MONSIEUR LE MINISTRE, British Legation, Christiania, 2nd January, 1923.

I HAVE the honour to refer to the resolution of the Royal Government of the 7th July, 1922, relative to the use of wireless apparatus on board ships of foreign non-belligerent Powers when within Norwegian territorial waters.

I am instructed by His Britannic Majesty's Secretary of State for Foreign Affairs to inform you that my Government can only recognize this resolution in so far as it does not infringe the undoubted rights of His Britannic Majesty's Government in international law.

I avail myself, &c.,

W. ST. C. ROBERTS.

Son Excellence

Monsieur J. L. Mowinkel,
Ministre des Affaires Etrangères,
&c., &c., &c.

Enclosure 2 in No. 382.

TRANSLATION.

SIR,

Christiania, 13th April, 1923.

MR. ROBERTS' note of 2nd January, stating that His Britannic Majesty's Government must reserve their attitude towards the Royal Norwegian resolution of the 17th July, 1922, relative to the use of wireless apparatus on board foreign ships in Norwegian territorial waters, was referred for consideration to the Ministry of Commerce. The Competent Authorities to whom the matter was submitted by the Ministry have now stated that in their opinion the resolution does not conflict with the stipulations contained in the International Telegraph Conventions, and I should therefore be grateful if I might be informed in what points the Norwegian regulations are considered to conflict with the rules of international law other than those contained in existing Telegraph Conventions.

I have, &c.,

C. F. MICHELET.

* No. 297 in Dominions No. 87.

Enclosure 3 in No. 382.

MONSIEUR LE MINISTRE,

British Legation, Christiania, 18th June, 1923.

ON receipt of Your Excellency's note of the 16th April last, inquiring as to the reserve made in the note addressed to Your Excellency on 2nd January last by Mr. W. St. C. Roberts on the subject of the Royal Norwegian resolution of 17th July, 1922, relative to the use of wireless apparatus on board foreign ships when within Norwegian territorial waters, I at once transmitted a translation thereof to His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

I am now requested by the Marquess Curzon of Kedleston to inform Your Excellency that, in the communication addressed to Your Excellency by Mr. Roberts on 2nd January, as above-mentioned, His Britannic Majesty's Government were reserving their rights in international law on the high seas outside the limit of territorial waters.

I avail myself, &c.,

M. DE C. FINDLAY.

Son Excellence

Monsieur Michelet,

Ministre des Affaires,
Etrangères.

(4) Russia: Attitude on General Question.

18632

No. 383.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
Commonwealth of Australia.
New Zealand.
Union of South Africa.
Newfoundland.)

Dominions No. 180. Confidential.)

[MY LORD,] [SIR,]

Downing Street, 22nd May, 1923.

[To Canada only: With reference to my predecessor's Confidential despatches of the 24th of April, 1922,* the 5th of May, 1922 (Dominions No. 138),† and the 18th of October, 1922,‡]

[To Australia, New Zealand and Newfoundland: With reference to my predecessor's Confidential despatches of the 5th of May, 1922 (Dominions No. 138)† and the 18th of October, 1922,§]

[To Union of South Africa: With reference to my predecessor's Confidential despatches of the 5th of May, 1922 (Dominions No. 138)† and the 18th of October, 1922 (No. 2).§]

To all: I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a Memorandum which has been prepared in the Foreign Office, as to the attitudes adopted by the Russian Authorities, from 1909 up to the present time, on the question of the limits of territorial waters.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 383.

MEMORANDUM.

ON 20th January, 1919, a decree was issued by the Provisional Government of the Northern Territory of Russia "concerning the protection of marine, fishing and hunting industries of the coasts of the Northern Region." A translation of the decree is given in Annex (1).||

2. This decree is apparently a development of the policy of the former Imperial Russian Government, who passed a law in December, 1909, claiming twelve nautical miles as the territorial limit for customs purposes in all the waters of the Russian Empire. His Majesty's Government protested against this law at the time.

* No. 298 in Dominions No. 87. † No. 17854: not printed; it enclosed copies of correspondence as to the seizures referred to in No. 298 in Dominions No. 87. ‡ No. 300 in Dominions No. 87.

§ No. 301 in Dominions No. 87. || Not printed.

3. In July, 1910, however, a British trawler, the "Onward Ho," was arrested by the Russian authorities off Cape Kanin, at the entrance to the White Sea, whilst outside the three-mile limit. On representations being made by His Majesty's Government the vessel was shortly afterwards released.

4. Nevertheless, in January, 1911, the Russian Government introduced into the Duma a bill forbidding foreigners to fish in the White Sea, south of a line drawn from Cape Kanin and Cape Svyatoi, and also anywhere within twelve miles of the coast of the Government of Archangel, mainland or island; and a second bill was laid before the Duma in March, 1911, and became law in June, 1911, extending the fishery limit from three to twelve miles in all Russian waters in the Far East, in the Governor-Generalship of the Pri Amur district, the estuary of the Amur itself being excluded from the bill.

5. These measures were the subject of further protests on the part of His Majesty's Government and much correspondence with the Imperial Russian Government followed.

6. On the promulgation of the decree of 20th January, 1919, His Majesty's Commissioner at Archangel, therefore, reminded the Provisional Government of Northern Russia of the view of His Majesty's Government that the three-mile limit was the general rule for territorial waters and of the case of the "Onward Ho," expressing the hope that it was not the intention of that Government to apply their decree to British subjects. On 31st January, 1919, the Provisional Government replied that pending a general agreement as to fishery and sealing restrictions the provisions of the decree concerning the extension of certain prohibitions beyond the three miles of territorial waters would not be applicable to British subjects.

7. On 23rd May, 1919, the Secretary of State for Foreign Affairs informed Monsieur Nabokoff that the regulations for the preservation of seal hunting and seal fisheries along the northern coast of Russia had been engaging the attention of the competent departments of His Majesty's Government. His Majesty's Government saw no reason to depart from the policy they had consistently pursued of strongly opposing any extension of territorial limits beyond the existing limit of three marine miles, but they recognized that the circumstances affecting seal hunting were somewhat different from those affecting fishing in the ordinary sense of the word, and they would, therefore, be quite prepared to consider a convention specifically designed to protect the seal fisheries, provided that the wider question of the extension of the existing territorial limits for normal kinds of fishing was not thereby affected.

8. On 13th May, 1921, the Russian Soviet Trade Delegation communicated a telegram from Monsieur Chicherin to the effect that fishing and hunting, especially south of the line Kanin Nos—Svyatoi Nos, had been prohibited for foreigners since 1st May, 1920. Notice to that effect had been given to the Norwegian Government by the Russian Government on 15th April, 1920. Foreign persons and vessels interfering with that prohibition exposed themselves to the legal consequences provided for by Russian law. The Soviet Government had received information that two English ships intended to fish near Kanin Nos, and they would regret any compulsory steps to be taken against them.

9. The text of a Soviet decree "concerning the preservation of fishing and wild animal preserves in the Northern Arctic Ocean and the White Sea," as communicated by Monsieur Krassin on 2nd June, 1921, is contained in Annex (2)* to this memorandum.

10. A communication was addressed to the Soviet Trade Delegation on 27th August, 1921, with reference to these regulations in the same sense as that sent to Monsieur Nabokoff on 23rd May, 1919.

11. In acknowledging receipt of this communication Monsieur Berzin proposed that a convention for the protection of seal fisheries should be negotiated at Moscow; and on 13th October, 1921, it was suggested to the Russian Trade Delegation that the Soviet Government should transmit a draft convention to the British official agent at Moscow for discussion. Monsieur Krassin was informed at the same time that His Majesty's Government could in no case recognize any limit of territorial waters greater than three nautical miles.

12. In February, 1922, His Majesty's Government received information that the Hull steam trawler "Magneta" had been arrested by a Russian cruiser off Sem Island in the Barents Sea and had been subsequently wrecked; and on 5th March a telegram was received from Murmansk from the Hull trawler "St. Hubert,"

* Not printed.

reporting that she had been arrested and taken to Murmansk. Both the "St. Hubert" and "Magneta" were, when arrested, nine or ten miles from the shore, and at no time approached within the three-mile limit.

13. The acting British official agent at Moscow was informed of these facts by telegraph, and was reminded that His Majesty's Government could not recognize the Russian claim to extend their territorial waters beyond three miles. His Majesty's Government had on previous occasions insisted that British fish vessels must not be interfered with outside that limit; and had, moreover, specifically protested against the Soviet Government's decree of 24th May, 1921, prohibiting fishing by foreign vessels within the twelve-mile limit. Mr. Grove was instructed to protest immediately in the strongest terms against this unjustifiable interference with British shipping and to demand an assurance that such interference would not be repeated; to ask for the immediate release of the "St. Hubert" and her crew, and to claim compensation for any loss incurred by her detention; and to demand compensation for the owners of the "Magneta," the two survivors and the families of the ten men drowned.

14. On 22nd March, 1922, the Soviet Commissariat for Foreign Affairs replied to Mr. Hodgson's representations, maintaining the point of view of his Government, declining to entertain any claims based on the arrest of the British trawlers or the consequent loss of life of members of the crew and refusing to give the assurance asked of them that interference of a similar kind with British fishing vessels would not be repeated in the future.

15. On 4th April, 1922, Mr. Hodgson therefore informed Monsieur Karakhan that in these circumstances His Majesty's Government had no option but to take the necessary steps in order to protect British fishing interests in the waters in which the illegal arrests of these vessels had been effected, and that he had received instructions from His Majesty's Secretary of State for Foreign Affairs to state that arrangements were being made for sending without delay a British ship for this purpose, the officer in charge being instructed to take such measures as might be necessary in order to prevent interference with British vessels fishing outside the three-mile territorial limit.

16. On 13th May, 1922, Mr. Hodgson received the following communication from the Soviet Commissariat for Foreign Affairs:—

"I am instructed by Monsieur Karakhan to send you the following information concerning the trawler 'St. Hubert' detained pending trial by the Russian authorities for illicit fishing in our territorial waters:—

The trial took place in the People's Court at Murmansk on the 8th March, and the verdict rendered read as follows:

The trawler, together with its equipment and the fish on board—except ten per cent. of the fish, which is to go to the crew—to be confiscated; the crew to be released and sent to England.

This verdict was, however, set aside by the Department of Judicial Control of the People's Commissariat for Justice and the case was returned to the People's Court for new trial. The crew of the 'St. Hubert' were placed on board the ship 'Ruslan' which left for Vardö, Norway, on the 10th March."

17. On 27th September, 1922, after a further unsatisfactory and desultory correspondence with Monsieur Karakhan, Mr. Hodgson informed him, under instructions from the Secretary of State for Foreign Affairs, that His Britannic Majesty's Government intended to maintain the right of British vessels to fish outside the three-mile limit in waters off the northern coast of Russia, and that His Majesty's ships had orders to take steps to prevent any interference with vessels so doing.

18. By an order dated 16th February, 1923, the Soviet Council of Labour and Defence issued a list of sea areas which it pronounced to be of national interest as having an industrial value. The list, which is contained in Annex (3),* appears to indicate that, in addition to the coastal area in the Arctic Ocean between the Finnish frontier and Nova Zemlya and the approaches to the White Sea, the Soviet Government apparently proposes to establish a twelve-mile zone in the Behring Sea and along the Pacific coast as well as on the eastern shore of Sakhalin.

* Not printed.

19. The position has now been aggravated by the arrest on 31st March, 1923, of the British trawler "James Johnstone" by a Russian gunboat nine miles from Sem Island. The British official agent at Moscow has been instructed to make immediate inquiries and report.

Foreign Office, S.W.1.
13th April, 1923.

(5) Sweden: Limitation for Customs Purposes.

63687

No. 384.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 19. Confidential.)

[MY LORD,] [SIR,]

Downing Street, 12th January, 1923.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of correspondence,* as noted in the accompanying schedule, with His Majesty's Representative at Stockholm regarding the smuggling of spirits between Swedish and Norwegian ports, and the extent of territorial jurisdiction at sea.

I have, &c.,
DEVONSHIRE.

SCHEDULE OF ENCLOSURES.

To His Majesty's Representative, 18th December, 1919.
From His Majesty's Representative, 30th December, 1919.
To Swedish Minister for F.A., 29th December, 1919.
From His Majesty's Representative, 4th October, 1920.
Decree No. 577.
Decree No. 578.

To His Majesty's Representative, 11th November, 1920.
From His Majesty's Representative, 24th November, 1920.
To Swedish Minister for F.A., 24th November, 1920.
To His Majesty's Representative, 6th January, 1921.
From Admiralty, 24th December, 1920.
To Admiralty, 7th January, 1921.
From His Majesty's Representative, 19th January, 1921.
From His Majesty's Representative, 27th September, 1922.
From His Majesty's Representative, 5th October, 1922.
To His Majesty's Representative, 19th December, 1922.

Enclosure 15 in No. 384.

(No. 436.)

MY LORD,

Stockholm, 5th October, 1922.

WITH reference to my despatch No. 425 of the 27th ultimo on the subject of spirit smuggling between Swedish and Norwegian ports, I have the honour to report that yesterday's *Svenska Dagblad* published a statement purporting to emanate from Norway to the effect that the Swedish Customs Authorities at Strömstad, a port situated about twenty kilometres from the Norwegian southern

* Enclosures in 53121 and enclosure 1 in 63687; the last two enclosures only printed.

frontier, had notified all vessels carrying spirits that the *Swedish Customs frontier had been extended to four miles from the coast*, and that the vessels in question had at once shifted their anchorage, but it was expected that they would easily find anchorage beyond the four mile limit. To-day's issue of the same paper contained a correction of the above statement, explaining that the order in question was not based on any new decision as to the extension of the Customs frontier existing hitherto; that the Strömstad Customs Authorities have stated in reply to an inquiry of the *Göteborgs Posten* that the view held in certain quarters that the territorial limit was situated at a distance of three minutes from land is based on the fact that England, during the War, refused to recognize any other than the three mile limit; that it has been popularly believed ever since that the limit has been so fixed, in spite of the fact that among shipping people there has not been the slightest doubt that Sweden, Norway and Denmark as well as Finland still have a four mile limit, and that Norway, as is well known, has extended hers to ten minutes.

I have called the attention of the Secretary-General of the Ministry for Foreign Affairs to the above press statements, and reminded him that His Majesty's Government have decided views as to the extent of territorial jurisdiction at sea, which have repeatedly been officially communicated to the Swedish Government, notably recently in connexion with air traffic (see Sir C. Barclay's despatches Nos. 43, Treaty of 30th December, 1919, and 879 of 24th November, 1920), and that their refusal to admit jurisdiction beyond three nautical miles from the coast was by no means confined to the late War. I added that I trusted that the Customs would confine their action to Scandinavian shipping, as the first application of their rule to a British vessel would raise the whole question of the limits of territorial jurisdiction at sea, which was one on which His Majesty's Government were not prepared to compromise, and nothing but trouble would therefore result from such interference with a British ship outside the three mile limit.

Mr. Boström said his attention had not been called to the matter, but he would look into it. He thought only Swedish ships were engaged in this spirit smuggling into Norway.

I have transmitted a copy of this despatch to His Majesty's Representatives at Christiania, Copenhagen and Helsingfors.

I have, &c.,
PATRICK RAMSAY.

The Most Honourable

The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.

Enclosure 16 in No. 384.

(No. 292.)

SIR,

Foreign Office, 19th December, 1922.

WITH reference to Mr. Ramsay's despatch No. 436 of the 5th October last, regarding the smuggling of spirits between Swedish and Norwegian ports and the extent of territorial jurisdiction at sea, I approve the language held by Mr. Ramsay to the Secretary-General of the Swedish Ministry for Foreign Affairs as reported in that despatch.

2. In that conversation Mr. Ramsay was merely renewing representations on the lines of those which he had received instructions to make at as early a date as 18th December, 1919, and I consider the representations made by him will have a good effect.

I am, &c.,
(For the Secretary of State),
HUBERT MONTGOMERY

Sir C. Barclay, K.C.M.G., C.B.,
&c., &c., &c.

63687

No. 385.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD,

Downing Street, 12th January, 1923.

WITH reference to my Confidential despatch Dominions No. 19 of the 12th of January,* regarding the smuggling of spirits between Swedish and Norwegian ports and the extent of territorial jurisdiction at sea, I have the honour to request Your Excellency to inform your Ministers that the views of the Canadian Government as embodied in the Governor-General's telegram of the 12th of February, 1920,† regarding the Spitzbergen Treaty, and in Sir L. H. Davies' Confidential despatch of the 27th of June, 1922,‡ have been communicated to His Majesty's Minister at Stockholm.

I have, &c.,

DEVONSHIRE.

(6) United States: Extent of Jurisdiction over Cook Inlet.

45505

No. 386.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD,

Downing Street, 5th October, 1923.

WITH reference to previous correspondence on the subject of the limits of territorial waters, I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a pamphlet§ on the subject of the Laws and Regulations for the protection of the Fisheries of Alaska issued by the United States Department of Commerce, together with a copy of a letter addressed by the Board of Trade to the Foreign Office in the matter.

2. In connexion with these Regulations, His Majesty's Chargé d'Affaires at Washington was asked to ascertain unofficially whether any prior specific claim to jurisdiction over the whole of Cook Inlet had been put forward at any time, and a copy of Mr. Chilton's reply is enclosed.

3. His Majesty's Government would be glad to receive any observations which the Canadian Government may be able to make on the point raised.

I have, &c.,

DEVONSHIRE

[18633]

Enclosure 2 in No. 386.

Mercantile Marine Department,

Board of Trade, 3, Sanctuary Buildings,

SIR,

Great Smith Street, London, S.W.1, 10th April, 1923.

I AM directed by the Board of Trade to transmit herewith, for the information of the Marquess Curzon of Kedleston, a copy of a pamphlet relating to the laws and regulations for the protection of fisheries of Alaska which has been received from the United States Department of Commerce, Washington.

Under Articles 1 (b) and 7 of the Regulations for the Administration of the South Western Alaska Fisheries Reservation, 16th December, 1922, it appears that the United States Authorities claim jurisdiction over the whole of the waters of Cook Inlet. As this Inlet is about 45 miles wide at the entrance and has a maximum width of 62 miles and a minimum width of 8½ miles, it seems that the United States authorities are claiming to exercise jurisdiction outside the generally recognized limits of territorial waters.

* No. 384. † No. 400 in Dominions No. 75. ‡ No. 299 in Dominions No. 87. § Not reprinted.

The Board are not aware that any British interests are at present affected, but they think that if jurisdiction is exercised without dispute it may at some future date give weight to a claim to jurisdiction over the area as a historic inlet. They therefore suggest for the consideration of Lord Curzon that it may be desirable to ascertain whether the regulations are intended to apply to foreign vessels and if so to make a formal statement to the United States Government that His Majesty's Government cannot admit the application of the reservations to British vessels in waters outside the limits generally accepted in international law for territorial waters.

I have, &c.,

G. E. BAKER.

The Under Secretary of State,

Foreign Office, S.W.1.

Enclosure 3 in No. 386.

(No. 1015.)

(Confidential.)

MY LORD,

British Embassy, Washington, D.C. 16th August, 1923.

WITH reference to Your Lordship's despatch No. 1059 of the 9th ultimo, regarding the question whether any prior specific claim to jurisdiction over the whole of Cook Inlet has been put forward at any time by the United States Government, I have the honour to transmit to Your Lordship herewith an extract from a letter on this subject addressed to His Majesty's Consul-General in New York by the legal advisers to His Majesty's Embassy.

As, however, it appeared from this letter that Messrs. Coudert's view was merely based on the Act of Congress of 14th June, 1906, and that they did not fully appreciate that this Act had already been taken into consideration by the Board of Trade, I accordingly instructed Sir Harry Armstrong again to approach Messrs. Coudert, and I have the honour to enclose a copy of Mr. Kingsbury's further reply. From this letter it appears that no specific reference to Cook Inlet was made in the original Act of 2nd March, 1889, but that under the first amendatory Act of 9th June, 1896, "Cook Inlet, Prince William Sound, Bering Sea and the waters tributary thereto" are excepted from certain restrictions concerning salmon fishing, thus implying a claim to jurisdiction on the part of the United States. This reference was apparently also re-embodied in the Criminal Code of Alaska.

On these and other grounds explained by Mr. Kingsbury, Messrs. Coudert are of opinion that a claim to all the waters of Cook Inlet has actually been made, both expressly and by implication, by the United States Government, and that such a claim is in accordance with what appears to be their usual attitude and policy in such matters.

I have, &c.,

H. G. CHILTON.

The Marquess Curzon of Kedleston, K.G.,

&c.,

&c.,

&c.

EXTRACT FROM LETTER ADDRESSED ON 24TH JULY, 1923, BY MR. H. T. KINGSBURY OF MESSRS. COUDERT BROTHERS, TO SIR HARRY ARMSTRONG.

"THE United States appears to have asserted jurisdiction over the waters of Cook Inlet in Alaska. By the Act of Congress of 14th June, 1906, certain restrictions are imposed upon salmon fishing

"in any of the waters of Alaska over which the United States has jurisdiction, except Cook Inlet, the Delta of Copper River, Bering Sea and the waters tributary thereto."

(Fed. Stats. Anno. 2d Ed. Vol. I, p. 355).

This express exception of the waters of Cook Inlet constitutes a claim of jurisdiction over them, since, if no such claim was made, there would have been no reason to make the exception. Moreover, such a claim is in accordance with, and sustained by, the general rule of International Law as recognized both in this country and in England, that

"the exclusive jurisdiction of a national extends to the ports, harbors, bays, mouths of rivers and adjacent parts of sea inclosed by headlands."

(See Moore's International Law Digest, Vol. I, p. 705, quoting letter from Secretary of State Buchanan of 23rd January, 1849).

This rule has been applied in this country to Delaware Bay, Chesapeake Bay and Buzzards Bay; also to Conception Bay in Newfoundland which is stated to be over twenty miles wide at the mouth, and to the Bristol Channel between England and Wales.

(See Moore's International Law Digest, Vol. I, pp. 735-743)."

(Confidential.)

DEAR SIR HARRY,

9th August, 1923.

YOUR letter of 6th August reached me on that day. I have read the circular from the Department of Commerce which you enclosed, with special attention to the marked passages, and I return it herewith as requested. The administrative regulations of 16th December, 1922, printed in this circular, constitute in my opinion an express claim of territorial jurisdiction over "all the shores and waters of Cook Inlet." Such waters are, by these regulations, constituted a part of the "Cook Inlet District" established by the regulations which are made applicable to the entire South-western Alaskan Fisheries Reservation created by the Presidential order of 3rd November, 1922.

I understand your inquiry to be directed to the question whether such a claim has been made and not whether it is sustainable or well founded.

I have made a further examination of the Federal Statutes relating to Alaska. The earliest specific mention of Cook Inlet which I have found is contained in the Act of Congress of 9th June, 1896, which excepted "Cook Inlet, Prince William Sound, Bering Sea and the waters tributary thereto" from certain restrictions concerning salmon fishing in substantially the same terms as the amendatory Act of 14th June, 1906, referred to in my former letter of 24th July, 1923. The original Act for the Protection of the salmon fisheries of Alaska, being that of 2nd March, 1889, which was amended by the Act of 9th June, 1896, and further amended by the Act of 14th June, 1906, did not contain any specific mention of Cook Inlet.

The reference to Cook Inlet contained in the Act of 9th June, 1896, was also re-embodyed in Section 180 of the Criminal Code of Alaska, being the Act of Congress of 3rd March, 1899.

I have been unable to find any other specific mention of Cook Inlet in the Acts of Congress relating to Alaska or in the Acts of the territorial Legislature or in the decisions of the Courts, but it is possible that there may be some incidental references to these waters not disclosed by the usual indices or digests.

I have also made some examination of the proceedings of the arbitral tribunals before which the Bering Sea fur seal controversy and the boundary controversy were argued. In these I find incidental mention of Cook Inlet, but as its status was not directly involved in either arbitration I have found nothing in regard to any express claims on the subject made by the United States. The papers relating to these arbitrations, however, are very voluminous and are inadequately indexed, so that it is impossible to state categorically that they contain nothing relating to such a claim without a most exhaustive and prolonged examination. The general course of argument in the Bering Sea arbitration indicates that the United States, among other things, claimed in general to have succeeded to the previous Russian claim of jurisdiction over the Alaskan waters to the distance of one hundred miles from shore. This claim was specifically made in respect to Bering Sea and it does not appear that Cook Inlet was within the field of controversy, but it may be assumed that a similar claim would have been made by the United States in respect to Cook Inlet if the status of that body of water had been material to the controversy.

In one of the earlier cases out of which the controversy grew, a full account of which is given in the report of the Governor of Alaska for 1887, it appears that counsel who represented certain British vessels which had been seized by the United States on Bering Sea contested the right of the United States to make the seizure on the ground, among others, that "Bering Sea is not a gulf or a bay and is not land-locked by the lands of the United States." It appears from the map that Cook Inlet is to a great extent "land-locked by lands of the United States."

In the arbitration concerning the boundary between Alaska and Canada there was much discussion in regard to the location of the boundary line with relation to the Inlets situated in the strip of land or *lisière* which extends to the South-east of the main body of Alaska. Here again Cook Inlet was not within the field of controversy and the status as to territorial jurisdiction of the waters of the Inlets which were within the field of controversy does not appear to have been a controlling factor in the situation.

In spite of the paucity of specific references to Cook Inlet in the statutes and other official documents, I am satisfied that the United States claims and has claimed territorial jurisdiction over its waters, both expressly and by necessary implication, and that such claim is in accordance with what appears to be the usual attitude and policy of the United States upon such questions.

Yours faithfully,

HOWARD THAYER KINGSBURY.

Sir Harry Gloster Armstrong, H.B.M. Consul General,
44, Whitehall Street, New York City.

TURKEY.

(1) Lausanne Conference [Cmd. 1814]: Progress of Negotiations.

4643

No. 387.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.30 p.m., 25th January, 1923.)

TELEGRAM.

[Answered by No. 388.]

(Commonwealth of Australia.)

(New Zealand.)

25TH JANUARY. My telegram of to-day.* Lord Curzon reports that on the discussion regarding Allied war graves, 24th January, Turks took up uncompromising attitude in regard to the area at Ari Burnu, which, at request of Commonwealth and New Zealand Governments, Graves Commission had set apart for cemeteries of Anzac troops. Turks insisted that area should be strictly limited to actual ground occupied by already concentrated and identified graves. In regard to other cemeteries, Gallipoli, they claim right to examine sites, and recommend, if necessary, that land demarcated by Graves Commission be restricted to areas of actual graves, also indicating that further exhumation and concentration might be necessary. British Delegation, supported by the Allies, absolutely refused to consider this, and stated that we could not be expected to evacuate Gallipoli until we were assured that the cemeteries already established might remain completely undisturbed. Please inform your Prime Minister.—DEVONSHIRE.

5071/S

No. 388.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.17 p.m., 27th January, 1923.)

TELEGRAM.

(Paraphrase.)

SECRET and urgent. My Prime Minister sends following message:—

Begins: Your telegram 25th January,† Gallipoli cemeteries. Attitude of British and Allied delegates in absolutely refusing to consider Turkish demands is most strongly approved by Commonwealth. Commonwealth Government desires to make it quite clear that in no circumstances can it assent to any of Turkish demands re Anzac graves. Should Turkish Delegation prove so unreasonable as to insist upon attempting to inflict this indignity upon Australia, it ought to be made perfectly clear to them that Australia will regard it as a *casus belli*. I do not doubt that a solid unyielding front by Allies is all that is necessary to induce Turks to recede from position they have taken up towards Gallipoli cemeteries. This we firmly believe we can rely on. But if, unhappily, it fails, we desire to make it quite clear that Australia cannot give way in this matter. HUGHES. *Ends.*

—FORSTER.

* 4643: not printed; this related to the submission to the League of Nations of the question of Mosul.

† No. 387.

5520

No. 389.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 3.30 p.m., 30th January, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

30TH JANUARY. Summary draft Treaty drawn up for presentation to Turkish Delegation will be published here to-morrow. Following main outlines.

I. *Frontiers*.—(a) Europe. North Bulgarian frontier as in Treaty, Neuilly, west left bank Maritza.

Opposite Adrianople, strip right bank, Maritza, including bridge and small branch line ceded between river and Karagach. Zone average depth, 30 km. each side frontier demilitarized. Turkey renounces all rights title over all Islands, except Imbros and Tenedos, which given her subject to grant of local autonomy. Following Islands demilitarized: Semothrace, Imbros, Tenedos, Lemnos, Mytilene, Chios, Samos, Nikaria.

(b) Asia. Frontier with Syria that already agreed between France and Turkey. Frontier with Iraq left to decision of Council of League of Nations. Eastern frontiers not dealt with. Turkey renounces all rights title over Syria, Palestine, Iraq, Hedjaz, Arabian Peninsula, Egypt, Sudan, Lybia, Cyprus.

II. *Straits*.—Special Convention prescribes absolute freedom of passage of ships of commerce in time of peace and time of war when Turkey neutral. When belligerent free passage for neutral ships of commerce, Turkey retaining right to visit and search. Right of passage of warships in time of peace, subject to condition that maximum force of any single Power shall not exceed that of strongest fleet of any Black Sea Power; Powers will retain right in any case to send into Black Sea force not exceeding three war vessels, none exceeding 10,000 tons. Time of war when Turkey neutral, right of passage for unlimited naval forces of belligerents subject to prohibition of acts of war within waters of Straits. When Turkey belligerent, free passage for neutral ships of war under same conditions as time of peace. Turkey may, however, prevent passage of enemy warships. Demilitarized zones created both sides Dardanelles Bosphorus, within which Turkey allowed no regular forces, except at Constantinople, and no fortifications. No permanent gun or torpedo batteries capable of interfering with passage through Straits shall be erected on European shore Marmara, or Asiatic shore between demilitarized zone and Darijo. Straits Commission constituted under Chairmanship of Turkish representative; composed of representatives of France, Great Britain, Italy, Japan, Bulgaria, Greece, Roumania, and Yugo Slavia. Russia also admitted if she signs Convention. United States can be represented if they desire. Commission to see that clauses regarding passage of warships duly observed. Will exercise its mission under auspices of League of Nations. To reassure Turkey that freedom of Straits not exploited to her disadvantage. Signatory Powers, "and in any case France, Great Britain, Italy, and Japan," undertake that they will jointly prevent "by every means which the Council of the League of Nations shall decide" any violation of Straits Convention or any act of war liable to imperil freedom of Straits.

III. *Constantinople*.—To provide for security of Constantinople, Turkey allowed to maintain garrison there 12,000 men and additional garrison 8,000 Eastern Thrace. Turkish fleet allowed to cruise and anchor in waters of Straits and Turkey allowed to possess naval bases and arsenals.

IV. *Naval and Military Clauses*.—Apart from above restrictions on Turkish regular forces in Thrace and Constantinople, no military or naval clauses will be imposed.

V. *War Graves*.—Turkey grants Allied Powers full rights over sites of all cemeteries and memorials, and pledges herself to respect them. In particular, grants British Empire area of Gallipoli Peninsula where Anzac cemeteries are situated.

339

VI. *Capitulations*.—Capitulations abolished. Convention is annexed Treaty dealing with future régime for foreigners in Turkey.

VII. *Minorities*.—Articles to be regarded by Turkey as fundamental laws Turkey, and to be placed under guarantee of League of Nations by Article similar to that guaranteeing all European Minority Treaties.

Economic clauses relate to taxation of foreigners in Turkey, future commercial régime, navigation, future arrangements industrial property, pre-War debts, reciprocal restoration of enemy property, payment of damages suffered by companies other than Allied companies controlled by Allied nationals in respect of property in Turkey. This provision applies to companies registered in Turkey, by which almost all concessions Turkey held. Establishment Mixed Arbitral Tribunal, pre-War contracts, restoration Allied nationals and companies in which Allied interests preponderate to rights under concessions granted before August, 1914, reciprocal restoration industrial property rights, sanitary régime Straits.

Finance clauses relate to distribution of pre-War Ottoman Debt, Reparation, as regards which Turkey to pay Allies as final settlement net sum of fifteen million Turkish gold pounds. Greece and Turkey mutually renounce reparation claims. Allied Governments waive claim against Turkey for debts due by Turkey to enemy Powers, sums in gold deposited Berlin and Vienna, and subsequently transferred to Allied Powers by Peace Treaties, to be returned to Turkey in instalments five years, but to be held meanwhile as guarantee for reparation. Turkey to carry out financial arrangements made by Constantinople Government prior to November, 1922.—DEVONSHIRE.

13142

No. 390.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 12.15 p.m., 13th March, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

13TH MARCH. Am sending by despatch* copies of telegrams from High Commissioner, Constantinople, summarizing Turkish counter proposals gist of which has appeared in Press. Proposed to summon meeting of Allied experts with a view to consideration of conditions on which negotiations might be resumed.

Please inform your Prime Minister.—DEVONSHIRE.

15657/S

No. 391.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 9.45 p.m., 29th March, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

29TH MARCH. Secret. Identic Note to be addressed by the Allied Governments to the Angora Government has been telegraphed to the British High Commissioner, Constantinople, who has been instructed to communicate it to the

* 13142: not printed.

Angora representative there as soon as his allied colleagues receive similar instructions. It is proposed to publish Note on receipt of telegram from the High Commissioners reporting its communication to the Turks.

Main points of Note are as follows:—

(1) Allies not prepared to discuss any proposal involving substantial modification of territorial provisions agreed upon.

(2) Allies accept in principle proposal to redraft Convention relating to Régime of Foreigners with a view to securing to Turkey reciprocity so far as practicable.

(3) Allies prepared to re-open discussions on Economic Clauses, which Turks proposed to detach from Treaty, with a view to insertion of clauses of this nature in Treaty, some details, if necessary, being left to be settled by subsequent separate negotiations.

On above understanding suggested that Turks should send representatives to resume negotiations Lausanne as soon as possible.

Please inform your Prime Minister.—DEVONSHIRE.

16889/S

No. 392.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 4.20 p.m., 10th April, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

10TH APRIL. Secret. Turkish reply to Allied proposals was delivered to the High Commissioners by the Angora representative at Constantinople on 8th April. Summary has appeared in Press.

British High Commissioner, in accepting Note, told the Angora representative that he had made it abundantly clear that nothing which had happened since Lord Curzon left Lausanne was binding on the Allies as a whole, and the Angora representative admitted this was so and said he had informed Angora at the time. Please inform your Prime Minister.—DEVONSHIRE.

28946

No. 393.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 13th July, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a Parliamentary Paper (Cmd. 1814) regarding the Lausanne Conference on Near Eastern Affairs, 1922-3, which contains on pages 684 to 831 the Draft Terms of Peace which were presented to the Turkish Delegation on the 31st January.

2. The Turkish Counter Proposals are contained in the enclosure* to the despatch from His Majesty's High Commissioner at Constantinople of the 9th March, of which I enclose a copy.

3. As a result of the resumed negotiations at Lausanne, the Conventions relating to the Régime of Foreigners and to the Commercial Régime which appeared on pages 790 to 801 and pages 804 to 817 of the Parliamentary Paper have been revised, and I enclose copies of translations of the revised drafts† for your Ministers' information.

* F.O. print E.2800/1/44 (15th March, 1923). † Not printed; for the Conventions as signed see pages 139-173 of [Cmd. 1929].

4. The draft of the Convention relating to the Régime for Foreigners has been accepted by the Allied and Turkish delegates, but, in forwarding it, Sir Horace Rumbold reported that, while the text had now been definitely accepted by the Conference, the question of adding an article giving non-signatory Powers the right to accede was still reserved.

5. Similarly, Sir Horace Rumbold stated that the text of the Commercial Convention had been definitely adopted with the exception of two paragraphs in Article 9 (not reproduced in the translation), which were intended to preserve existing rights as regards cabotage in Turkey, and would probably be replaced by an arrangement made outside the Convention. Article 17, dealing with the adhesion of non-signatory Powers, and Article 18, in so far as concerned the period for which the Convention was to remain in force as regards Greece, Roumania, and the Serb-Croat-Slovene State, were still reserved.

6. Your Ministers will observe that both Conventions contain Articles which will render it possible to declare, at the time of coming into force of the Convention, that the provisions do not apply to the self-governing Dominions unless notice of accession is given.

I have, &c.,
DEVONSHIRE.

(2) Lausanne Conference: Procedure for Signature of Treaties. [Cmd. 2146.]

227/S

No. 394.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.55 a.m., 1st January, 1923.)

TELEGRAM.

(Paraphrase.)

31ST DECEMBER. Secret. Following for you from my Prime Minister:—

Begins: Treaty with Turkey. Your telegram of 8th December* begins "Assumption on which our message of 16th November† was framed was that Canadian Government would wish to follow the procedure adopted in the case of the treaties with Germany, Austria and Bulgaria."

As we understand it, procedure referred to is that adopted with respect to Paris Peace Conference, and followed later with respect to Conference on the limitation of armament held at Washington. As regards participation of Canada, there were in that procedure four distinct, separate and essential stages.

A. Direct representation of Canada at the Conference at which treaties were drafted and participation in the proceedings of the Conferences by representatives of Canada, each representative holding a full power signed by His Majesty the King, in the form of Letters Patent, authorizing him to sign "for and in the name of His Majesty the King, in respect of the Dominion of Canada," any treaties, conventions or agreements that might tend to the attainment of the object of the Conference; the issuance of these full powers by His Majesty having been sanctioned by the Government of Canada by Order in Council.

B. Formal signing of the treaties on behalf of Canada by the plenipotentiaries named.

C. Approval by the Canadian Parliament of the treaties thus signed on behalf of Canada.

D. Assent of the Canadian Government to the final act of ratification by His Majesty the King of the treaty signed on behalf of Canada approved by Parliament of Canada.

* No. 369 in Dominions No. 87. † No. 362 in Dominions No. 87.

In assuming that, as regards the treaties in which Canada is supposed to have a direct or immediate interest, the procedure here outlined is the one which our Government would wish to follow, Your Grace is perfectly correct. In the case of main political treaties concluded since the War, the rule seems to have been generally followed that, wherever the Dominions could be said to have a direct or immediate interest, the procedure was shaped to include their participation in the proceedings and their signature. That in the case of the Lausanne Conference a like procedure has not been followed with respect to Canadian representation and participation has been regarded by us as evidence that Canada, in the opinion of the countries by whom invitations to the Lausanne Conference were extended, could not have been believed to have the direct and immediate interest which she was supposed to have in the Conferences at Versailles and Washington. As mentioned in my telegram of 31st October,* we have no exception to take to the course pursued with respect to the present Conference. But as regards the procedure it must be apparent that, quite apart from any action or representation on the part of the Government of Canada, a different procedure has been followed in the present case from that followed at Versailles and Washington. In so far as one stage in the procedure is necessarily dependent upon the preceding stage it is difficult to see how a like procedure can be followed. Canada has not been invited to send representatives to the Lausanne Conference, and has not participated either directly or indirectly in the proceedings of the Conference. We do not see under the circumstances how, as respects signing on behalf of Canada, we can be expected to follow the procedure adopted as regards the treaties with Germany, Austria and Bulgaria, in the case of a new treaty or of any separate instrument regarding Straits. *Ends.*

—BYNG.

228/S

No. 395.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.50 a.m., 1st January, 1923.)

TELEGRAM.

[Answered by No. 398.]

(Paraphrase.)

31ST DECEMBER. Secret. With reference to message from my Prime Minister to you respecting Treaty with Turkey contained in my telegram of to-day,† Private and Personal.

Mr. Mackenzie King is, I understand, afraid that the representative of Canada may be asked to sign the treaty, and he does not want to be put in the position of refusing the request. He holds that Canada cannot sign the treaty as Canada is not represented at the Conference. He is quite agreeable that Secretary of State for Foreign Affairs should sign for the Empire, and that the treaty should be presented in the usual way to the Canadian Parliament for ratification.—BYNG.

3134

No. 396.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.45 p.m., 27th January, 1923.)

TELEGRAM.

[Answered by Nos. 399 and 401.]

(Commonwealth of Australia.)

(New Zealand.)

SECRET. Lausanne Conference. Understand that Canadian Government feel that, as Canada has not participated in proceedings, it would be best to omit

* No. 358 in Dominions No. 87. † No. 394.

signature by plenipotentiary on behalf of Canada of any Treaty with Turkey which may result from Conference, including separate Instrument regarding Straits, so that Treaties in question would be signed only by British plenipotentiaries who have negotiated them. This would not involve departure from usual practice whereby Treaties would be submitted to Dominion Governments for approval, prior to ratification by His Majesty, and His Majesty's Government is willing to fall in with suggestion if generally acceptable. May I assume that it would be acceptable to your Prime Minister? Please telegraph reply.—DEVONSHIRE.

3134

No. 397.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.50 p.m., 27th January, 1923.)

TELEGRAM.

[Answered by Nos. 400 and 405.]

SECRET. Your telegram 31st October, my telegram 16th November,* I now understand that Canadian Government, while entirely in accord with procedure adopted since 1919 as regards signature of International Conventions arising out of Conferences at which Dominions have had separate representation, feel that, as procedure followed at Lausanne Conference has been different from that, e.g., at Paris and Washington, in that Canada has not participated in proceedings, best course would be to omit signature by plenipotentiary on behalf of Canada of any Treaty with Turkey which may result from Conference, including separate Instrument regarding Straits, so that Treaties in question would be signed only by British plenipotentiaries who have negotiated them. This would not involve departure from usual practice, whereby Treaties would be submitted to Dominion Governments for approval prior to ratification by His Majesty, and His Majesty's Government willing to fall in with suggestion if generally acceptable. May it be assumed from your telegram, 31st October, that suggestion would be acceptable to your Prime Minister? Please telegraph reply. I am also telegraphing to Prime Ministers, Commonwealth of Australia and New Zealand, and do not anticipate any objection on their part.—DEVONSHIRE.

3134

No. 398.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.25 p.m., 27th January, 1923.)

TELEGRAM.

27TH JANUARY. Secret. Your telegram 31st December,† Lausanne Conference. Please inform your Prime Minister that in the circumstances His Majesty's Government are willing to fall in with his suggestion that any Treaties with Turkey resulting from Conference should be signed only by British plenipotentiaries who have negotiated them, if it is generally acceptable. Am ascertaining whether it will be agreeable to Prime Ministers, Commonwealth of Australia, New Zealand, and Union of South Africa.—DEVONSHIRE.

* Nos. 357 and 364 in Dominions No. 87. † No. 395.

5101

No. 399.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.56 a.m., 29th January, 1923.)

TELEGRAM.

29TH JANUARY. Your telegram of 27th January,* regarding the suggestion of the Canadian Government as to the signature of any treaty with Turkey which may result from Lausanne Conference, my Prime Minister has informed me that the suggestion is acceptable to the New Zealand Government.—JELlicoe.

5792

No. 400.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.50 p.m., 1st February, 1923.)

TELEGRAM.

[Answered by No. 402.]

(Paraphrase.)

1ST FEBRUARY. Your telegram of 27th January.† Until the position at Lausanne is somewhat cleared up, General Smuts does not wish to reply. He thinks Conference appears to be breaking down, and prospects of Treaty being concluded are, he believes, diminishing daily. See my telegram of 31st October.‡—ARTHUR FREDERICK.

5808

No. 401.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.34 a.m., 2nd February, 1923.)

TELEGRAM.

2ND FEBRUARY. Secret. Your telegram 27th January,* Lausanne Conference. Prime Minister informs me that suggestion acceptable.—GOVERNOR-GENERAL.

5792

No. 402.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 9.30 p.m., 2nd February, 1923.)

TELEGRAM.

SECRET. Your telegram 1st February.§ Regret cannot give any definite information as to position Lausanne, which is subject to constant fluctuation, but it is still possible that signature of a Treaty may be necessary at very short notice, not permitting time for consultation with your Prime Minister. Australia and New Zealand have agreed to adoption of course proposed by Canada.

When my telegram of 27th January† was sent, it was expected that course proposed would be acceptable to your Prime Minister in view of opinion expressed your telegram 31st October.‡ May it be assumed that, should immediate necessity for signature arise, your Prime Minister will take no exception to proposed procedure?—DEVONSHIRE.

* No. 396. † No. 397. ‡ No. 357 in Dominions No. 87. § No. 400.

28505

No. 403.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 7.0 p.m., 7th June, 1923.)

TELEGRAM.

[Answered by No. 406.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)

7TH JUNE. Secret. With reference to my telegram of 27th January,* I am assuming that, if, as is hoped, Conference at Lausanne results in completion of Treaties with Turkey, your Prime Minister would wish previous arrangement regarding signature by British plenipotentiaries to hold good.—DEVONSHIRE.

28505

No. 404.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 9.0 p.m., 7th June, 1923.)

TELEGRAM.

[Answered by No. 405.]

7TH JUNE. Secret. Lausanne Conference. It looks as though situation envisaged in my telegram of 2nd February† might soon arise, viz., that it may be necessary to arrange for signature of Treaties with Turkey at short notice. May I take it that in that event your Prime Minister would agree to signature by British plenipotentiaries as proposed in my telegram of the 27th January,‡ question of principle being reserved for discussion at Imperial Conference, see my telegram of 10th May.§—DEVONSHIRE.

28981

No. 405.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.7 p.m., 9th June, 1923.)

TELEGRAM.

9TH JUNE. Secret. Your telegram of 7th June,|| signature Turkish Treaty. Prime Minister agrees to arrangement regarding signature as proposed in your telegram of 27th January.‡—GOVERNOR-GENERAL.

30172

No. 406.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.10 p.m., 15th June, 1923.)

TELEGRAM.

15TH JUNE. Secret. Your telegram of 7th June.¶ In the event of the Conference at Lausanne resulting in completion of treaty with Turkey, Canadian Government are agreeable that the previous arrangement for signature of British Plenipotentiaries should hold good.—GOVERNOR-GENERAL.

* Nos. 396 and 398. † No. 402. ‡ No. 397. § No. 188 in Dominions No. 91. || No. 404. ¶ No. 403.

(3) Publication of Correspondence.

(a) Near East Crisis

4253

No. 407.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.30 p.m., 27th January, 1923.)

TELEGRAM.

27TH JANUARY. Secret. In continuation of my telegram 8th November*, please inform your Prime Minister that I have now had opportunity of going fully into questions raised in his message to my predecessor 18th October,† regarding Near East crisis.

First, I should like to make clear sequence of events, as to which there appears to have been some misunderstanding. Mr. Lloyd George's first message to your Prime Minister was despatched from the Colonial Office in a telegram from Secretary of State to you at 11.55 p.m., on Friday, 15th September.‡ Semi-official communiqué authorized by late Government was not issued to Press till some time after 3 p.m., on Saturday, 16th September.

Your Prime Minister may also like to know that an answer to Mr. Lloyd George's message (which went simultaneously and in identical terms to the other Dominions) was received from New Zealand at 1.30 p.m., on Saturday, 16th September,§ i.e., before issue of Press communiqué here.

Next, as to publication of correspondence, I realize that your Prime Minister may well find it essential to make statement to Canadian Parliament, setting out purport of correspondence between the two Governments, and explaining in particular attitude of Canada, but at present juncture I should deprecate publication of actual text of telegrams. Part of correspondence is, of course, necessarily confidential, and I venture to suggest that it would be far more preferable if your Prime Minister could see his way to make general statement only, and refrain from laying any of telegrams before Parliament. Prime Ministers of Commonwealth of Australia and New Zealand have already made similar general statements in Parliaments in autumn, and Prime Minister, Commonwealth of Australia, embodied in his statement very full account of contents of telegram of 15th September.—DEVONSHIRE.

(b) Lausanne Conference.

14764

No. 408.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.50 p.m., 21st March, 1923.)

TELEGRAM.

[Answered by Nos. 409 and 410.]

21ST MARCH. It is proposed to lay before Parliament correspondence regarding recent Lausanne Conference, including undermentioned Secret telegrams:—1922: My telegram 31st October, your telegram 16th November, my telegram 24th November, your telegram 8th December, my telegram 31st December. 1923: Your telegram 27th January.¶ My Ministers inquire whether there would be any objection to presentation of these papers.—BYNG.

* No. 354 in Dominions No. 87. † No. 353 in Dominions No. 87. ‡ No. 304 in Dominions No. 87. § No. 305 in Dominions No. 87. ¶ Nos. 358, 362, 368 and 369 in Dominions No. 87, and Nos. 394 and 398 in this volume.

14764

No. 409.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 9 p.m., 23rd March, 1923.)

TELEGRAM.

23RD MARCH. Confidential. Your telegram 21st March,* Lausanne Conference. Will reply as soon as possible, but proposal to publish telegrams† referred to raises issues affecting other Dominions as well as Canada and we are assuming that presentation of papers will be deferred in the meantime.—DEVONSHIRE.

16142

No. 410.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.45 p.m., 12th April, 1923.)

TELEGRAM.

12TH APRIL. Your telegram 21st March,* Lausanne Conference. As correspondence referred to relates to negotiations for a Treaty which has not been yet completed, Secretary of State for Foreign Affairs thinks that its publication at this stage would be somewhat embarrassing, and would greatly prefer that question of publication should be postponed until after conclusion of Treaty.

If publication decided upon, only essential omissions would seem to be last sentence of your telegram 25th November,‡ and last paragraph of my telegram 8th December,§ which replies to it, but in the circumstances His Majesty's Government trust that your Ministers will not press for immediate presentation of papers.—DEVONSHIRE.

16142

No. 411.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.50 p.m., 12th April, 1923.)

TELEGRAM.

12TH APRIL. Secret. My telegram of 12th April,|| Lausanne Conference. Further difficulty arises in that, while Australia and New Zealand agreed to suggestion referred to in my telegram, 27th January,¶ that any treaty with Turkey should be signed only by British Plenipotentiaries, reply of Union of South Africa deferred, owing, I gather, to uncertainty as to outcome of negotiations.—DEVONSHIRE.

* No. 408. † Nos. 358, 362, 368 and 369 in Dominions No. 87 and Nos. 394 and 398 in this volume. ‡ No. 368 in Dominions No. 87. § No. 369 in Dominions No. 87. || No. 410. ¶ No. 398.

(4) Treaties of Lausanne [Cmd. 1929]: Ratification.

38856

No. 412.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 297.)

[MY LORD,] [SIR,]

Downing Street, 9th August, 1923.

WITH reference to my despatch Dominions No. 141 of the 23rd April,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of a Parliamentary Paper [Cmd. 1929], Treaty Series No. 16, 1923, containing the text of the Treaty of Peace with Turkey, and other Instruments signed at Lausanne on the 24th July, 1923, together with Agreements between Greece and Turkey signed on the 30th January, 1923, and Subsidiary Documents forming part of the Turkish Peace Settlement.

[Not to New Zealand: Further copies are being sent in Library despatch.]

I have, &c.,

DEVONSHIRE.

39853

No. 413.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

[Answered by Nos. 416 and 417.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.

Dominions Treaty No. 31.)

[MY LORD,] [SIR,]

Downing Street, 20th August, 1923.

WITH reference to my despatch Dominions No. 297 of the 9th August,† I have the honour to request [Your Excellency] [Your Royal Highness] to inform your Ministers that it is regarded as a matter of great political importance that the Treaty of Peace with Turkey and the other instruments signed at Lausanne, which require ratification, should come into force, if possible, not later than the end of the present year.

2. It is anticipated that the legislation required, so far as this country is concerned, in order that the instruments in question may be ratified by His Majesty, will be passed during the autumn, and it is hoped that the Dominion Governments may be in a position to signify, not later than the beginning of December, their concurrence in the ratification by His Majesty of the Treaty of Peace and the Conventions relating to the Regime of the Straits and the Thracian Frontier (i.e., the first three Treaties in the print enclosed in my despatch under reference).

3. Your Ministers will observe that the Convention respecting Conditions of Residence and Business and Jurisdiction and the Commercial Convention (i.e., the fourth and fifth in the print) contain provisions by which, at the time of coming into force of the Conventions, the Contracting Powers may make a declaration that the provisions of the Conventions do not apply to all or any of their Dominions enjoying responsible Government, of their colonies, protectorates, possessions or territories beyond the sea subject to their sovereignty or authority. It would be convenient if your Ministers could give an early intimation whether they would desire such a declaration to be made in the case of either or both of these Conventions in respect of [Canada,] [the Commonwealth of Australia (including Papua and Norfolk Island) and the Mandated Territory of New Guinea,] [New Zealand and Western Samoa,] [the Union of South Africa and South-West Africa.]

I have, &c.,

DEVONSHIRE.

* 20227: not printed; it enclosed a copy of the note referred to in No. 392.

† No. 412.

39853

No. 414.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 98.)

SIR,

Downing Street, 20th August, 1923.

I HAVE the honour to invite reference to my despatch Dominions No. 297 of the 9th August,* enclosing a print containing the Treaty of Peace with Turkey and other instruments signed at Lausanne.

2. Your Ministers will observe that the Convention respecting Conditions of Residence and Business and Jurisdiction and the Commercial Convention (i.e., the fourth and fifth in the print) contain provisions by which, at the time of coming into force of the Conventions, the Contracting Powers may make a declaration that the provisions of the Conventions do not apply to all or any of their Dominions enjoying responsible Government, of their colonies, protectorates, possessions or territories beyond the sea subject to their sovereignty or authority. It would be convenient if your Ministers could give an early intimation whether they would desire such a declaration to be made in the case of either or both of these Conventions in respect of Newfoundland.

I have, &c.,

DEVONSHIRE.

39853

No. 415.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 525.)

SIR,

Downing Street, 31st August, 1923.

I HAVE the honour to request Your Excellency to invite the attention of your Ministers to the Treaty of Peace with Turkey and other instruments signed at Lausanne on the 24th July, the text of which is contained in a Parliamentary Paper [Cmd. 1929] of which copies were sent to you on the 8th August, and to my Confidential despatch of the 13th July,† which need no longer be treated as confidential.

2. It is regarded as a matter of great political importance that the Treaty of Peace and the other instruments, which require ratification, should come into force, if possible, not later than the end of the present year.

3. It is anticipated . . . [as in paragraph 2 in No. 413] . . . under reference).

4. Your Ministers . . . [as in paragraph 3 in No. 413] . . . either or both of these Conventions in respect of the Irish Free State.

I have, &c.,

DEVONSHIRE.

52789

No. 416.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.25 p.m., 30th October, 1923.)

TELEGRAM.

30TH OCTOBER. Your despatch of 20th August, Dominions Treaty 31, Ratification of Turkish Peace Treaty, etc. Ministers inform me that they propose to introduce during the next Parliamentary session legislation necessary before concurrence of Union Government can be given. With regard to the application of certain Conventions referred to in paragraph 3 your despatch, Ministers express no views. I understand that substance of Ministers' reply was telegraphed from London by General Smuts, and I suggest that he should be consulted if further information is required.—ARTHUR FREDERICK.

* No. 412

† No. 393.

‡ No. 413.

59134

No. 417.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th December, 1923.)

(No. 293.)

MY LORD DUKE,

Government House, Wellington, 29th October, 1923.

I HAVE the honour to inform Your Grace that I duly referred to my Ministers your despatch Dominions Treaty No. 31 of the 20th of August* on the subject of the ratification of the Treaty of Peace with Turkey and the other Instruments signed at Lausanne.

2. Sir Francis Bell, acting for the Prime Minister, has advised me, in reply to the despatch, that the Government of New Zealand: (a) Concurs in the ratification by His Majesty of the Treaty of Peace with Turkey and the several Conventions set forth in the print covered by your despatch No. 297 of the 9th of August;† (b) Desires that no declaration be made on its behalf excluding the application of the provisions of the Conventions numbered respectively IV and V from New Zealand or Western Samoa.

I have, &c.,

JELLICOE,

Governor-General.

Note.—This despatch was discussed with Mr. Massey, before his departure from England, when he expressed a desire to consider further the question of a declaration excluding Western Samoa from the two Conventions referred to.

62649

No. 418.

SOUTHERN RHODESIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 2.30 p.m., 27th December, 1923.)

TELEGRAM.

27TH DECEMBER. Your despatch of 27th October, No. 32.‡ My Ministers desire no declaration to be made excluding the Colony of Southern Rhodesia from the Conventions.—CHANCELLOR.

UNITED STATES.

(1) Rush-Bagot Agreement, 1817. Proposed Revision.

28461

No. 419.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 7th June, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copies of a despatch dated 18th of May, from His Majesty's Ambassador at Washington, on the subject of armed vessels on the Great Lakes.

Foreign Office,

6th June, 1923.

Reference to previous correspondence: Colonial Office letter of 19th October, 1922.§

(Similar letter sent to Admiralty.)

* No. 413. † No. 412. ‡ 39747: not printed; its terms were similar to those of No. 414.
§ Not printed; it enclosed for concurrence a draft of No. 377 in Dominions No. 87.

336

Enclosure in No. 419.

(No. 623.)

SIR,

British Embassy, Washington, 18th May, 1923.

I HAVE the honour to transmit to you herewith, copies of Washington despatch to Canada No. 186, of 18th May, 1923, on the subject of the new draft of the proposed treaty to replace the Rush-Bagot Agreement of 28th April, 1817, regarding the use of armed vessels on the Great Lakes.

I have, &c.,

(For the Ambassador), H. G. CHILTON.

His Majesty's Principal Secretary of State for Foreign Affairs.

Reference: Foreign Office despatch No. 1576 (A. 6446/4317/45) of 25th October, 1922.

(No. 186.)

MY LORD,

British Embassy, Washington, D.C., 18th May, 1923.

WITH reference to Your Excellency's despatch No. 147, of 15th November last, I have the honour to transmit to Your Excellency herewith copy of a note from the United States Government enclosing a new draft of the proposed treaty to replace the Rush-Bagot Agreement of 28th April, 1817, regarding the use of armed vessels on the Great Lakes.

Mr. Hughes explains that the views of the United States Government have been embodied in a new draft, which differs somewhat from that enclosed in Your Excellency's despatch under reference, as it is thought that this method will facilitate the negotiation of a treaty acceptable to both parties.

I shall be glad to receive in due course an expression of the views of the Dominion Government in regard to this draft for communication to the United States Government.

A copy of this despatch with enclosures is being forwarded to His Majesty's Principal Secretary of State for Foreign Affairs.

I have, &c.,

A. C. GEDDES.

His Excellency,

The Lord Byng of Vimy, G.C.B.,

&c., &c., &c.

EXCELLENCY,

Department of State, Washington, 12th May, 1923.

WITH your Confidential communication No. 887, under date of 28th November, 1922, you were good enough to transmit to me, at the request of the Canadian Government, a copy of a draft treaty designed to supplant the Rush-Bagot Agreement of 28th April, 1817, and also a memorandum concerning the strength of naval vessels now stationed on the Great Lakes. You informed me also, that the Dominion Government would be glad to receive in due course the views of the Government of the United States in response to the terms of the draft treaty.

I now have the honour to inform you that, after the most careful consideration of the terms of the Canadian draft treaty, the Government of the United States, in order to facilitate the negotiation of an arrangement acceptable to both countries, has deemed it expedient to embody its own views in the provisions of a fresh draft treaty. A copy of that draft* is transmitted to you herewith, and in parallel columns a copy of the Canadian draft† is set forth.

The following explanatory statement will make clear the position of the United States and will, it is hoped, reveal its effort to give practical effect to the high purpose animating both Governments by means of provisions enabling each to carry on its own domestic activities unhampered by unnecessary restraint.

The Preamble, adverting to the bond of peace happily long subsisting between the two countries, refers to their desire to "perpetuate the spirit" of the Rush-Bagot Agreement by an appropriate Convention. It is believed that this simple yet definite statement suffices. The reference in the Canadian draft to the Treaty for

* Extract only printed. † Not printed here; see sub-enclosure in No. 378 in Dominions No. 87.

the Limitation of Naval Armament, signed at Washington, 6th February, 1922, seems to be hardly necessary, as there is no real connexion between the two, and it is deemed to be desirable to preserve the historic independence of the agreement relating to the Great Lakes.

Article One follows the Canadian draft except that there are added the words "the waters tributary to the Great Lakes," thereby somewhat enlarging the area of the waters designated.

The first clause of Article Two is identical with the Canadian draft. The second clause of the former, however, concerning the passage of vessels from the sea to the Lakes, differs from the Canadian draft. The plan proposed by this Government does not forbid the passage of vessels of the two classes referred to in Article Three (those necessary for the enforcement of police laws and regulations, and naval vessels or merchant vessels converted to naval use); but it simply confines the class for the passage of which a mutual agreement beforehand is requisite to naval vessels other than of the character described in Article Three. Thus, this clause when read in connexion with Article Three has a twofold purpose. It gives sufficient latitude with respect to the passage of vessels which ought to be permitted to have access to the Lakes without special consent; and further, it excludes passage without that consent to the type of vessels normally not entitled to the privilege. It is believed, moreover, that the precise terms of the second paragraph of Article Three with respect to naval vessels or merchant vessels converted to naval use amply suffice to cover treatment to be accorded those ships.

The Canadian draft of Article Two which is framed on a different theory would serve to bar passage without previous consent, not only to naval vessels whose presence on the Lakes was permitted, but also to any vessels well outside of that service, and used for public or private purposes, if they had been previously designed, built or ever used for any naval end. It is suggested that the American draft contains all sufficient safeguards and imposes no unnecessary restriction.

In Article Three, the American draft makes differing provisions for two distinct classes of vessels concerned. The first paragraph relates to such vessels "as may be necessary for the enforcement of police laws and regulations." These are ships employed for purely domestic purposes, such as enforcement of revenue laws, police protection, rescue work and the like. It is firmly believed that their number, specifications and armament should not be subjected to international agreement from time to time. On the other hand, to allay all possible fears or misconception as to their use, the American draft provides that their armament is to be limited to such as is appropriate to the purpose to be served, and also that they shall not be used on the waters designated for militia training, for naval manœuvres or for naval training other than that of their regular crews. It is also declared that they shall never be used for hostile purposes—even in time of war. Thus, this first paragraph as it stands, forbids every improper use of such vessels contrary to the spirit of the treaty, yet at the same time, gives reasonable latitude for the enforcement of police laws and regulations which impose a peculiarly heavy burden on the authorities of the United States.

The second paragraph of Article Three concerns naval vessels or merchant vessels converted to naval use. It is provided that they may be maintained "for training purposes only," that they shall never be used for hostile purposes on the Great Lakes—even in time of war—and that "the number, specifications and armament of such vessels shall be the subject of agreement from time to time between the American and Canadian Governments."

It is believed that the foregoing distinctive treatment accorded the two classes of vessels referred to in Article Three is closely responsive to the actual requirements of the present day. For that reason, it is calculated to eliminate all unnecessary friction, and thus to enable both countries to unite the more strongly for the abolishment of warlike acts on the Great Lakes.

According to Article Four, no vessel built on the waters designated in Article One for naval service in other waters shall have any offensive or defensive armament placed on board, while in the waters designated in that Article. It will be noted that the words "in other waters" are a variation from the corresponding paragraph of the Canadian draft. Other differences in the phraseology between the two drafts of this Article are slight and require no comment.

Articles Five and Six of the two drafts are substantially alike.

In conclusion, permit me to add that the Government and the people of the United States have been profoundly impressed by the practical value of the Rush-Bagot Agreement which despite its terms long since unresponsive to actual conditions has, through liberal and friendly interpretations on both sides of the boundary, served the real purpose for which it was concluded. It is with the warm desire to perpetuate the spirit of that Agreement by a fresh Convention, which by the reasonableness and flexibility of its terms may in no way weaken the common purpose of the two Governments, that the accompanying draft treaty has been prepared.

I have the honour to request that you be good enough to transmit the treaty together with the views expressed in this communication to the Canadian Government.

Accept, Excellency, the renewed assurance of my highest consideration.

CHARLES E. HUGHES.

His Excellency

The Right Honourable

Sir Auckland Geddes, G.C.M.G., K.C.B.

(Extract.)

AMERICAN DRAFT.

Preamble.

THE United States of America, and His Majesty The King, etc.

Desiring to strengthen the bond of peace which has long happily subsisted between them, and in particular to perpetuate the spirit of the arrangement commonly called the Rush-Bagot Agreement, concluded between them 28th April and 29th April, 1817, by an appropriate Convention, have appointed to that end their plenipotentiaries, etc.

The President, etc.

Article One.—The present Treaty shall apply to the waters of the Great Lakes, the waters tributary to the Great Lakes, the waters connecting the Great Lakes, the international boundary waters of the St. Lawrence River, and the waters of Lake Champlain.

Article Two.—No armed vessel shall be maintained on the waters designated in Article One by either High Contracting Party, except in accordance with Article Three; nor shall there be passed, for any purpose whatsoever, from the sea into the waters designated, by either High Contracting Party, any naval vessel other than of the character described in Article Three, either armed or unarmed, without a mutual agreement beforehand.

Article Three.—Such vessels may be maintained on the waters designated in Article One by either High Contracting Party as may be necessary for the enforcement of police laws and regulations. The armament of vessels engaged in the enforcement of police laws and regulations shall be limited to such armament as is appropriate to that purpose. Such vessels shall not be used on the waters designated in Article One for militia training, for naval manœuvres or for naval training, other than that of their regular crews; nor shall they ever be used for hostile purposes even in time of war.

Naval vessels or merchant vessels converted to naval use may be maintained for training purposes only, in the waters designated in Article One, provided the vessels so maintained shall never be used for hostile purposes on the Great Lakes—even in time of war. The number, specifications and armament of such vessels shall be the subject of agreement from time to time between the American and Canadian Governments.

Article Four.—No vessel built on the waters designated in Article One for naval service in other waters shall have any offensive or defensive armament placed on board while it is in the waters designated in Article One.

Any such vessel shall be removed from those waters within six months of the date when it is ready for launching.

Each High Contracting Party shall promptly inform the other of any such vessel to be built on those waters *within its territory*, communicating the date of the signing of the contract, the date when it is ready for launching, and its main dimensions.

Note.—No further developments were reported officially during 1923, but the Prime Minister of Canada made a statement as to the position at the 4th meeting of the Imperial Conference on the 8th October, 1923.

(2) Treaty regulating Liquor Traffic.
(Treaty Series 1924, No. 22.)

22974

No. 420.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 172. Secret.)

[MY LORD,] [SIR,]

Downing Street, 14th May, 1923.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, a copy of a telegram from His Majesty's Ambassador at Washington regarding the prohibition of the carriage of liquor by United States and foreign ships within the United States three-mile limit.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 420.

TELEGRAM FROM SIR A. GEDDES (WASHINGTON) TO THE FOREIGN OFFICE.

(Dated 3rd May, 1923.)

(Paraphrase.)
(No. 211.)

Dry Law Decision.

I AM forwarding the text of the Supreme Court's decision, together with a covering despatch, by the next bag. Meanwhile, I telegraph the following information which I have obtained from interviews with the Secretary of the Treasury, the Secretary and Under-Secretary of State, and the Chairman of the Shipping Board.

1. The decision given by the Court is quite contrary to the Government's anticipation and is causing them much uneasiness in view of its probable consequences. Indeed, the Secretary of the Treasury informed me categorically that they had endeavoured so to present their case as to ensure an adverse decision on technical grounds.

2. There is no doubt that the Cabinet, whatever may be their formal official attitude, would be only too pleased if foreign Powers were to make representations on the subject. Such representations would greatly strengthen their position when the time comes to persuade Congress to pass the necessary legislation to permit the carriage of alcoholic beverages under seal by foreign-owned vessels in United States territorial waters.

3. *Enforcement.*—The Treasury Department, so Mr. Mellon informs me, and I know that it is so, is entirely without the staff and funds necessary effectively to carry out the new duties which it is now called on to perform.

I doubt, however, whether this will materially ease the position as effecting the great trans-Atlantic boats in British ownership with which public opinion is, of course, primarily concerned.

4. The regulations under which the decision will be carried out will come into force immediately on publication, and this, Mr. Mellon hopes, will take place on the 10th proximo.

This information is of great importance as touching vessels already at sea and which cannot arrive in United States ports until after the date mentioned; ships especially affected are those which are now making the voyage from London to Vancouver with a cargo of alcoholic beverages consigned to the Government of British Columbia and which also carry freight for San Francisco, where they must call towards the end of June to discharge.

I, therefore, called forthwith upon Mr. Hughes and entered a vigorous protest against the application of the decision to ships already at sea, while at the same time making, on behalf of His Majesty's Government, a formal reservation of all rights in the matter. He professed himself as being quite powerless in the matter and treated me to a lengthy exposition of the legal position. However, I eventually persuaded him to send for his Under-Secretary, whom he instructed to approach Mr. Mellon and the Attorney-General forthwith, with a view to finding means of meeting the difficulty.

He also made what he called an "informal admission" that, in his own opinion, no action would be taken in the case of ships already at sea.

Nevertheless, the position is that, in the absence of any administrative action on the part of the Government, these vessels and their cargoes become liable to seizure on entering territorial waters under the new decision and, in view of my knowledge of the type of American one finds amongst the port officials, I do not personally view the situation with the same optimism as Mr. Hughes, and shall continue to urge the case of these ships, which I have well in hand.

5. The Chairman of the Shipping Board, Mr. Lasker, professed to be bitterly opposed to the Court's decision, but personally, I am not at all sure that the Board are not, as a body, well pleased with it.

I have a strong suspicion that this is a political rather than a legal interpretation and is in fact a step towards the founding of an American Mercantile Marine. This suspicion may be wholly unfounded, but I obtained additional grounds for such a view from a conversation I had yesterday with one of the Dissenting Judges, Mr. Justice Sutherland, who made one remark which seemed to indicate that he doubted the legal purity of the majority decision. Naturally, however, he was very guarded and did not offer any observation which could be nailed down.

I am certainly of opinion that His Majesty's Government should enter a protest against this new interpretation of the law and, if necessary, take their protest to the World Court or some other International Court of Arbitration.

24777

No. 421.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 188. Secret.)

[MY LORD,] [SIR,]

Downing Street, 26th May, 1923.

WITH reference to my Secret despatch Dominions No. 172 of the 14th May,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, a copy of a despatch from His Majesty's Ambassador at Washington, regarding the decision of the Supreme Court of the United States prohibiting the transportation, importation, and exportation of liquor in United States territorial waters.

I have, &c.,

DEVONSHIRE.

* No. 420.

Enclosure in No. 421.

(No. 578.)

MY LORD,

British Embassy, Washington, D.C., 4th May, 1923.

WITH reference to my telegram No. 211 of yesterday's date, I have the honour to transmit to Your Lordship under separate cover twelve copies of the Supreme Court decision prohibiting the transportation, importation, and exportation of liquors in American territorial waters, which has been communicated to me officially by the State Department without comment.

The first portion of the decision is devoted to a study of the Prohibition Act, and explains how the shipping companies' appeal came before the Supreme Court as the result of the Attorney-General's ruling of 6th October, 1922. The terms of Section 1 of the Eighteenth Amendment and the precise interpretation of the words "transportation," "importation" and "territory" in that Amendment, are then discussed. The decision goes on to refer to the arguments put forward by the defendants that the Amendment applies to United States ships wherever they may be, and not only when they are in American territorial waters, and points out that this argument is based on the "statement sometimes made that a merchant ship is a part of the territory of the country whose flag she flies." This long established doctrine of international law is dismissed by the Supreme Court as a metaphor and a fiction, and the contention of the United States Government that the Amendment covers foreign merchant ships when within United States territorial waters is held to be right. The liability of foreign vessels to the jurisdiction of the United States, while they are in United States territorial waters, is then reviewed. The decision then states that, as the Prohibition Act applies only to territory under United States jurisdiction with the sole exception of the Panama Canal, the Act cannot be held to apply to American vessels outside the three-mile limit. This opinion is not, however, to be taken as in any way modifying the undoubted right of the United States Government to control all American vessels on the high seas.

Finally, the plaintiffs' arguments as to the necessity of the carriage of liquor as sea stores is dealt with and is considered inadmissible, the fact that the liquor, whether sea stores or not, is transported through United States territorial waters being held to override any other consideration.

I have already explained to Your Lordship in my telegram under reference that this decision should be regarded as a political move to put the American merchant marine on an equal footing with its foreign competitors, rather than as a decision taken after full appreciation and consideration of all the international legal complications which it involves. Nevertheless, the fact remains that until December next, when Congress meets, this decision, which will come into force on 10th June next, will presumably hold good. It is further at least uncertain whether Congress will be prepared to annul it in favour of the present system of holding liquor on board ship under seal. It is therefore necessary, I think, at once to consider what attitude should be adopted to meet the present situation.

The serious results of the decision of the United States Supreme Court on the profitable operation of British vessels engaged in trade with the United States would alone, it seems to me, justify and require energetic action by His Majesty's Government with a view to its modification, and such action is, in my judgment, rendered all the more necessary by other recent attempts of the Government of the United States to project its sovereignty over British ships on the high seas, notably in relation to the conditions under which vessels belonging to the United States Shipping Board have been transferred to Canadian subjects. In that case also, as Your Lordship will remember, the American Government have shewn some inclination to regard the municipal laws and regulations of this country as superior to the established requirements of international comity. A quiet acceptance of the present decision would only tend to encourage similar efforts in the future and would throw the whole question of jurisdiction on the high seas into a state of bewildering confusion.

Retaliatory measures of various kinds spring at once to the mind as a possible means of inducing the United States Government to exempt British ships from the rigid operation of the Eighteenth Amendment to the Constitution and the National Prohibition Act as they are now interpreted, but, apart from the bitter feelings and acrimonious controversies to which such acts would give rise, it would be extremely difficult to devise any measure of retaliation which could be made really effective against American shipping without at the same time inflicting serious damage on other foreign and even on British merchant vessels. For that reason all thought of retaliation must, I think, be abandoned as both useless and harmful. If

this view be accepted by Your Lordship, His Majesty's Government must fall back upon the presentation to the United States Government of a Note, couched in friendly but firm terms, pointing out the grave injury which this constructive projection of American sovereignty is calculated to inflict on British subjects proceeding on their lawful errands on the high seas. The Note should also, in my opinion, define as clearly as may be the position of His Majesty's Government on the issues involved. By reason of our own practices and those of some of the British self-governing Dominions, we are precluded from taking exception to all projections of sovereignty. We cannot, for instance, deny to the United States the right to legislate effectually for the maintenance of good order and fair dealing on foreign vessels arriving within American territorial waters, nor can we oppose the enforcement of rules designed to establish conditions of health and safety, to prescribe the racial limitations of crews or the conditions under which immigrants shall be carried, etc. It is, however, possible for His Majesty's Government to lay down definitely and categorically the doctrine outlined in my Note to the Department of State, No. 893, of 30th November, 1922, copies of which were transmitted to the Foreign Office under cover of my despatch No. 1312 of 1st December, 1922. The language used in that Note was subsequently approved in full by Your Lordship. It laid stress on the clear distinction which can and should be drawn between "passive" substances which can be controlled by human agency and substances like unstable explosives, infected animals or articles, etc., which cannot with certainty be so controlled. The whole matter was summed up in the following question:—

"Is it wise that any State should set an example, and establish a precedent by declaring that some substances, not in themselves uncontrollably noxious or dangerous, cannot possibly exist legally, under perfect control in ships of foreign nationality entering its ports, in spite of the fact that the use of such substances is permitted under certain conditions to the citizens of the State which declares their passive existence on board ship to be illegal?"

Had the Supreme Court in its deliberations taken full account of the international consequences of its decision, it would have given consideration to the question here raised and its final judgment would probably have been based rather on international than on domestic expediencies. Even now, should His Majesty's Government reaffirm the same doctrine, it is difficult to see how the Government of the United States can reject it, especially if adhesion to it can previously be secured from the other principal maritime nations such as Japan, France, Italy, Holland, and the Scandinavian countries.

I venture, therefore, to recommend to Your Lordship that counsel should be taken immediately with the countries just mentioned and that, if possible, simultaneous notes of protest against the present decision and its implications should be addressed to the United States Government by all of them. The arrival of so many notes of protest at the same time would make plain to the American Government and people, as no isolated representation or acts of retaliation could, the international issues raised by the decision, and the obligation resting upon every nation to frame its municipal laws in such a manner as to respect the rights of other countries. If, in spite of such joint action by several foreign governments, the Administration of this country should fail to give effective heed to their protests, a demand might be made that the whole question should be submitted to the arbitration of an international tribunal.

I am sending copies of the Supreme Court decision also to Their Excellencies the Governors-General of Canada, Australia, South Africa, New Zealand and the Governor of Newfoundland.

I have, &c.,

A. C. GEDDES.

The Marquess Curzon of Kedleston, K.G.,

&c., &c., &c.

26131

No. 422.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 193. Secret.)

[MY LORD,] [SIR,]

Downing Street, 30th May, 1923.

WITH reference to my Secret despatch Dominions No. 188 of the 26th May,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of a telegram to His Majesty's Ambassador at Washington regarding the United States regulations prohibiting the transportation, importation, and exportation of liquor in United States territorial waters.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 422.

TELEGRAM TO SIR A. GEDDES (WASHINGTON) FROM THE FOREIGN OFFICE.

(Sent 6.0 p.m., 21st May, 1923.)

(No. 170. (R).)

YOUR telegram No. 229 of 17th May. United States prohibition regulations His Majesty's Government do not contend that a ship entering the territorial waters of a country does not subject itself to the jurisdiction of that country, but the extent to which each country should compel the observance of its laws on the ships of another and the nationals on board those ships is of primary importance in the regulation of intercourse between nations. In the opinion of His Majesty's Government the jurisdiction should not be exercised except to restrain acts calculated to disturb public order. Upon this point the comity and practice of nations appear to be aptly defined in the judgment of the Supreme Court in the *Wildenhuis* case which reads, in part:—

"By comity it came to be generally understood among civilized nations that all matters of discipline and all things done on board which affected only the vessel or those belonging to her and did not involve the peace or dignity of the country or the tranquillity of the port, should by the government be left to be dealt with by the authorities of the nation to which the vessel belonged as the laws of that nation or the interests of its commerce should require."

The regulations proposed to be issued in accordance with the judgment of the Supreme Court afford an example of the kind of issue that may be raised all over the world if the existing comity and practice is abandoned. The vessels of all nations frequently pass through the jurisdiction of other nations even when not entering their ports; for example, to reach Antwerp a vessel must pass through Dutch territorial waters; to reach the Baltic, through Danish and Swedish waters; to reach the Black Sea, through Turkish waters.

National laws, though becoming more and more uniform are still in conflict on many points in so far as they regulate the rights and obligations of those on board national vessels, and an impossible position would be created in international voyages if the precedent now proposed were generalized, and conflicting national laws were imposed by each nation on the vessels of other nations within their territorial jurisdiction even though such vessels may enter the ports solely for the purpose of loading or discharging part cargoes, the export or import of which was permitted, or for the purpose of taking on board bunkers or stores, or even for receiving orders, and in the extreme case even though no port was entered at all.

The utmost importance is attached to this point as being one of principle. You should therefore urgently request the United States Government before departing so materially from the former common practice of all nations to discuss the matter with other maritime powers. The French, Spanish, Italian and Danish Governments have all been informed, in answer to their inquiries, of the above instructions to Your Excellency and you should ascertain from your colleagues of those countries what instructions they have received and concert with them in your representations to the United States Government in the way you think best.

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26991

No. 423.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

340

(Secret.)

SIR,

Downing Street, 13th June, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of correspondence,* as noted in the margin, with His Majesty's Ambassador at Washington regarding the recent decision of the Supreme Court of the United States of America prohibiting the transportation, importation, and exportation of liquors in United States territorial waters.

2. Copies of the correspondence have also been sent to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa, and the Governor of Newfoundland.

I have, &c.,
DEVONSHIRE.

29706

No. 424.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 219. Secret.)

[MY LORD,] [SIR,]

Downing Street, 20th June, 1923.

WITH reference to my Secret despatch Dominions No. 193 of the 30th May,† I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, copies of telegrams‡ from His Majesty's Ambassador at Washington regarding the carriage of liquor in foreign vessels within United States territorial waters.

2. I also enclose a copy of a note addressed by the Ambassador to the United States Government on the subject on the 25th May.

I have, &c.,
DEVONSHIRE.

[28585]

Enclosure 1 in No. 424.

TELEGRAM FROM SIR A. GEDDES (WASHINGTON) TO THE FOREIGN OFFICE.

(Received 8.30 a.m., 7th June, 1923.)

(No. 255. (R).) 6th June. My telegram of 4th June.

I have just received reply of Secretary of State to note despatched as instructed in your telegram No. 170 of 21st May.§ After usual acknowledgment, note proceeds as follows:

"You will of course understand that this Government cannot well discuss legality in an international sense of operation of an act of Congress, scope of which, within territorial limits of United States, has been authoritatively decided by Supreme Court of United States. While therefore I am not indisposed to consider in a friendly spirit views such as those expressed in your letter with regard to operation of Act upon vessels of foreign governments, I could not accept any suggestion questioning competency of Congress to enact the legislation to which you refer."

* i.e., enclosures in Nos. 420, 421 and 422 and other telegrams as to the attitude of foreign Powers. † No. 422. ‡ Enclosure 3: not printed; it contained the text of the draft treaty (see enclosure in No. 426). § Enclosure in No. 422.

With reference to Wildenhuis case, note quotes another extract from the same opinion declaring it to be part of law of civilized nations that when a merchant vessel of one country enters ports of another it subjects itself to law of place to which it goes. Quotation in question begins "No part of law" and ends "jurisdiction of country."

Secretary of State concludes as follows:—

"As question is one of exercising legislative discretion I assume operation of National Prohibition Act will receive attention of Congress when it next convenes and that all pertinent matters will have most careful consideration."
Ends.

Enclosure 2 in No. 424.

TELEGRAM FROM SIR A. GEDDES (WASHINGTON) TO THE FOREIGN OFFICE.

(Received 8.30 a.m., 12th June, 1923.)

(No. 259. (R).) 11th June. My telegram No. 255.

Secretary of State sent for counsellor to-day and said he was most anxious that inconvenience caused to maritime Powers by recently issued prohibition regulations should be overcome. With that end in view he had drafted a treaty which he suggests should be concluded between United States and the various maritime Powers, text of which is given in my immediately following telegram.

Secretary of State said that he was sure that Congress would not amend the law in so far as it relates to carriage of liquor in foreign vessels without some *quid pro quo* in view of the strong sentiment which still existed both in Congress and in the country in favour of prohibition. Main argument which would be used would be "why should we do anything to assist foreign Powers which will do nothing to assist us in preventing their ships from breaking our laws?" Whereas, if it could be shown by means of these treaties that foreign governments were assisting United States by consenting to right of search up to 12 miles, Mr. Hughes was convinced that a very favourable sentiment would be created and he was sure that treaties would be ratified by Senate.

Mr. Hughes begged that no publicity should be given to this scheme at present though he realized that Your Lordship would, of course, wish to discuss it with other maritime Powers to whom he is communicating draft text.

Mr. Chilton said he knew that His Majesty's Government had always been seriously averse to any interference with vessels outside the three-mile limit, but he could not say what view they would take with regard to Mr. Hughes' proposal.

Mr. Chilton added that he presumed that proposed scheme would not involve any further interference with vessels regularly plying to United States ports than took place at present.

Mr. Hughes assured him that it would not.

[29554]

Enclosure 4 in No. 424.

(No. 410.)

SIR, British Embassy, Washington, D.C., 25th May, 1923.

IN your note of the 4th instant, you were good enough to communicate to me a copy of the Decision of the Supreme Court of the United States, dated the 30th ultimo, respecting the application to vessels entering American territorial waters of certain provisions of the National Prohibition Act.

The situation created by this decision has been engaging the earnest attention of His Majesty's Government. They do not contend that a ship entering the territorial waters of a country does not subject itself to the jurisdiction of that country, but the extent to which each country should compel observance of its laws on the ships of another, and the nationals on board of those ships, is of primary importance in the regular intercourse between nations. In the opinion of His Majesty's Government, jurisdiction should not be exercised except to restrain acts calculated to disturb public order and safety. Upon this point the comity and practice of nations appears to be aptly defined in the judgment of the Supreme Court in the "Wildenhuis" case, with which you are, no doubt, familiar. (See United States Reports, Volume No. 120, October term 1886, pages 1-19). In this

case the jurisdiction of the United States was extended to cover an act committed on a foreign ship. Yet, even so, the Supreme Court recognized the existing international doctrine on the subject to be as follows:—

"And so by comity it came to be generally understood among civilized nations that all matters of discipline and all things done on board which affected only the vessel or those belonging to her, and did not involve the peace or dignity of the country, or the tranquillity of the port, should be left by the local government to be dealt with by the authorities of the nation to which the vessel belonged as the laws of that nation or the interests of its commerce should require."

The regulations proposed to be issued in accordance with the Supreme Court judgment afford an example of the kind of issue that may be raised all over the world if the existing comity and practice is abandoned. Ships of all nations frequently pass through the jurisdiction of other nations even when not entering their ports. For example, to reach Antwerp a vessel must pass through Dutch territorial waters, to reach the Baltic through Danish or Swedish waters, to reach the Black Sea through Turkish waters.

It is true that national laws, in so far as they regulate the rights and obligations of those on board national ships, are becoming more and more uniform. They do, however, still conflict on many points. It follows, therefore, that if the precedent now proposed were generalized, conflicting national laws could be imposed by each nation on foreign shipping within its territorial jurisdiction. This would create an impossible situation in international voyages, for interference might then be exercised on foreign ships entering ports:—

- (1) to load or discharge that part of their cargoes the export or import of which is permitted;
- (2) to take on board bunkers or stores;
- (3) to receive orders.

In extreme cases indeed such interference might even extend to ships which had not entered any port.

His Majesty's Government feel that such instances as those suggested above would be the occasion of an exercise of national authority, marking so great a departure from accepted custom as to amount to the adoption of a new principle. I have the honour, therefore, urgently to request that the United States Government, before departing so materially from the former common practice of all nations, will enter into a discussion of this matter with the other maritime Powers.

I have, &c.,

A. C. GEDDES.

The Honourable

Charles E. Hughes,

Secretary of State of the United States,
Washington, D.C.

29706

No. 425.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 20th June, 1923.

WITH reference to my Secret despatch of the 13th June,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of telegrams† from His Majesty's Ambassador at Washington regarding the carriage of liquor in foreign vessels within United States territorial waters. I also enclose a copy of a note‡ addressed by the Ambassador to the United States Government on the subject, on the 25th May.

2. Copies of this correspondence have also been sent to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa, and to the Governor of Newfoundland.

I have, &c.,

DEVONSHIRE.

* No. 423.

† Enclosures 1, 2 and 3 (as to enclosure 3 see ‡ on page 279) in No. 424.

‡ Enclosure 4 in No. 424.

35922

No. 426.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(Irish Free State. Secret.)

Dominions No. 281. (Secret.)

[MY LORD.] [SIR,]

Downing Street, 1st August, 1923.

WITH reference to my Secret despatch [Dominions No. 219 of the 20th of June,*] [of the 20th of June,†] I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's Chargé d'Affaires at Washington enclosing copies of the draft treaty in regard to the seizure of vessels outside the limit of territorial waters, which was handed to him by the United States Secretary of State on the 11th of June.

2. The United States Government desire that the draft treaty shall be regarded for the present as confidential and not for publication.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 426.

MY LORD,

British Embassy, Washington, D.C., 14th June, 1923.

WITH reference to my telegram No. 260 of the 11th instant, I have the honour to transmit to Your Lordship herewith copies of the draft Treaty in regard to the extension of the limit of territorial waters to twelve miles, which was handed to Mr. Chilton by Mr. Hughes on 11th June.

I have, &c.,

(For the Ambassador)

H. G. CHILTON.

The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.

ARTICLE I.

THE High Contracting Parties, without attempting to extend as between themselves the limits of their respective territorial waters adjacent to the high seas, agree that the authorities of either High Contracting Party may, within the distance of twelve geographical miles from its coasts, board the private vessels of the other and make inquiry of the masters thereof as to whether such vessels or the person or persons controlling them are engaged in any attempt, either with or without the co-operation of other vessels, or persons on board the same, to violate the laws of the High Contracting Party making the inquiry, and prohibiting or regulating the unloading near, or importation into, its territories of any articles.

An officer of one High Contracting Party boarding a private vessel of the other may examine the manifest of the vessel and make inquiry of the master with respect to the cargo and destination thereof. If such officer has reason to believe from the statements of the master or from documents exhibited by him or otherwise, that the vessel or the person or persons controlling it, either with or without the co-operation of other vessels, or persons on board the same, is or are engaged in the wilful commission of acts which constitute a violation of the laws of the State of which such boarding officer is an official, with respect to the unloading or importation of any article or articles, he shall impart his belief to the master of the vessel, and thereupon may, with the aid of the master, institute a search of the vessel and an examination of any articles on board. The search shall be conducted with the courtesy and consideration which ought to be observed between friendly nations.

* No. 424.

† No. 425.

If there is reasonable cause for belief that the vessel or the person or persons controlling it is or are wilfully engaged, with or without the co-operation of other vessels or persons on board the same, in the commission of acts which constitute a violation of the laws of the State whose officer has conducted the search, forbidding or regulating the unloading near, or importation into its territories of any article or articles, the vessel, cargo and the person or persons controlling it or them may be seized and brought in for an adjudication, and subjected to the imposition of the penalties established by law by the Party whose laws and regulations are found to have been violated.

ARTICLE II.

Any article or articles the importation of which into the territories of either High Contracting Party is or are for any purposes prohibited by its laws, but which is or are listed as sea stores, or as cargo destined for a port foreign to either High Contracting Party, on board a private vessel of either High Contracting Party destined for a port of the other High Contracting Party, may be brought within the territorial waters of such other High Contracting Party on condition that upon arrival of the vessel so destined within twelve geographical miles of the coasts of such High Contracting Party whose territorial waters are about to be entered, such article or articles may be placed under seal by the appropriate officer of that Party and shall be kept sealed continuously thereafter until the vessel enters and during the entire stay of the vessel within those waters, and no part of such article or articles shall, during that period, be removed from under seal for any purposes whatsoever. Upon the departure of the vessel from such territorial waters destined for a foreign port, such article or articles under seal may be released therefrom either by an officer of the vessel or by an officer of the Party affixing the seal.

42215

No. 427.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(Irish Free State. Secret.)

(Dominions No. 336. Secret.)

[MY LORD.] [SIR,]

Downing Street, [6th] [7th] September, 1923.

WITH reference to my Secret despatch [Dominions No. 281 of the 1st of August,*] [of the 1st of August,*] I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, the accompanying copies of an Aide-Memoire on the subject of the extension of the three-mile limit to twelve miles for the purpose of search and seizure of goods, the importation of which is prohibited in the United States of America, which was handed to the United States Secretary of State by His Majesty's Representative at Washington on the 14th of July, and of a note from the United States Government in reply, dated the 19th of July.

[To Irish Free State only: 2. Similar despatches are being sent to the other self-governing Dominions.]

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 427.

AIDE-MEMOIRE.

HIS Britannic Majesty's Chargé d'Affaires has received a telegraphic communication from His Majesty's Principal Secretary of State for Foreign Affairs pointing out that theoretically the international validity of the three-mile limit would be strengthened by the conclusion of a treaty making an exception for a special

* No. 426.

purpose. Practically, however, such a treaty would weaken the principle because it would form a precedent for the conclusion of further similar treaties until finally the principle would become a dead letter. For this reason Lord Curzon felt bound to state when questioned in Parliament that His Majesty's Government could not accept the proposal of the Secretary of State of the United States.

In the opinion of Lord Curzon, Mr. Hughes' proposed treaty would not provide for any immediate remedy for the present difficulties, seeing that it could not be ratified until Congress meets, when an amendment to the Volstead Act could equally well be introduced if the United States Government so desired. Moreover, even if the twelve-mile limit were accepted, cases would inevitably occur liable to cause serious friction between two countries, owing to the difficulty of deciding with any certainty the position of a limit usually out of sight of land, at any rate on the Atlantic coast.

Lord Curzon adds that the Hovering Acts in the United Kingdom were entirely superseded by the Customs Consolidation Act, 1876, by which British municipal legislation is made to conform with international law.

14th July, 1923.

[39795]

Enclosure 2 in No. 427.

COPY OF NOTE COMMUNICATED TO THE BRITISH EMBASSY IN WASHINGTON ON
19TH JULY, 1923.

THE Secretary of State presents his compliments to the Chargé d'Affaires *ad interim* of Great Britain and acknowledges the receipt of the memorandum under date of the 14th instant, expressing the views of His Majesty's Principal Secretary of State for Foreign Affairs with respect to the proposed Treaty relating to visit and search of vessels within twelve miles of the coasts of the parties respectively, for the purpose of preventing the illegal introduction of articles into their territories, and also relating to the carriage within territorial waters of certain sealed stores and cargo destined for foreign ports.

Preliminarily it should be observed that a draft treaty was submitted informally simply for the purpose of avoiding misunderstanding and of making a concrete suggestion which could form the basis of discussion. It should also be said that it was not the purpose of the Secretary of State to propose an extension of the limits of territorial waters and the draft proposal specifically negated such an intention.

It is noted that Lord Curzon points out that the theory of the international validity of the three-mile limit would be strengthened by the conclusion of a treaty making an exception for a special purpose, but that he is of the opinion that such a treaty would weaken the principle because it would form a precedent the following of which would ultimately deprive the principle of force. It is not perceived that this would be the result, as no Power would be under obligation to make any other agreements unless it saw fit to do so, or to treat the special agreement as a precedent except in a precisely analogous case and there could be inserted in the special agreement any statement or qualification that might be deemed to be desirable to show that it was definitely limited to the particular situation in view.

In relation to Lord Curzon's further suggestion it may be stated that, while the proposed treaty could not be ratified until the Senate convenes, and while the Secretary of State is not in a position to give an assurance either with respect to the action of the Senate or with regard to the prospect of securing from it an amendment to the Volstead Act in relation to ship liquor and cargo liquor destined to foreign ports, it is believed that the solution of the present difficulty through the making of a fair and reasonable agreement such as is proposed would be the most promising method of securing early action. Therefore, Mr. Hughes trusts that the suggestion will not be put aside upon the supposition that another course is equally feasible.

With respect to Lord Curzon's suggestion that, even if the twelve-mile limit were accepted, cases would inevitably occur liable to cause serious friction between the two countries owing to the difficulty of deciding with any certainty the position of a vessel usually out of sight of land, at any rate on the Atlantic coast, it is believed by this Government that the proposed special agreement would do much to reduce,

if indeed it would not wholly eliminate, the causes of friction due to the present efforts to evade the laws of the United States. In this connexion it must be emphasized that the proposed agreement would not interfere with British vessels engaged in legitimate commerce and bound for American ports. Such vessels will necessarily come not only within twelve miles but within three miles of the American coast and will hence in any event be subject to examination by American authorities and will of course comply with the applicable laws of the United States. The proposed special agreement would bear only upon those vessels which come within twelve miles, but hover off the three-mile limit for the purpose of aiding in the smuggling of intoxicating liquor or other prohibited articles into the territory of the United States.

It is impossible for this Government not to take all proper and lawful measures to prevent this illicit traffic from being carried on. An illustration is afforded by the case of the schooner "Henry L. Marshall," the conduct of which recently came under the scrutiny of the United States Circuit Court of Appeals for the Second Circuit, as stated in the memorandum of the Secretary of State delivered to the British Embassy on the 16th instant. While it is understood that this vessel is not regarded as a British vessel for the reason which His Majesty's Government has stated, reference may be made to the practice of the vessel as showing the conditions with which the American Government is required to deal. The vessel did not come within the three-mile limit, but she made her arrangements for the carriage of her illicit cargo to the shore of the United States in violation of its laws, and, as the Court found, while the unloading was begun outside the three-mile limit, it was continued within the territorial waters of the United States, and the vessel was engaged contrary to the laws of the United States in introducing her cargo of intoxicating liquors within the commerce of the United States.

This Government has already expressed the hope that the British Government will interpose no obstacles in such cases to the enforcement of the laws of the United States, but it is believed that an appropriate agreement which would not injure bona fide trade but would facilitate the enforcement of the laws of the United States in preventing the smuggling of liquor would remove occasions for misunderstanding and eliminate the serious friction to which the memorandum under consideration refers.

It may confidently be asserted that there would be no disposition on the part of the American authorities, and the special agreement would not justify any attempt to seize a British vessel save within the limits proposed, and when it was clear that the vessel concerned was directly involved in an attempt to introduce its illicit cargo into the territory of the United States. British vessels bound for the ports of the United States would encounter no additional obstacles to their trade, and vessels destined for foreign ports which happened to pass on legitimate errands within twelve miles of the American coast would suffer no inconvenience, while such vessels as were engaged in the unlawful conduct above described would not be able to create difficulties between the two countries, much less serious friction, by attempts to secure immunity for their operations by invoking the protection of the British flag.

Although the Government of the United States regards the proposed agreement as an appropriate setting forth of the proposal, it would cordially welcome the co-operation of the British Government in moulding the form of an arrangement which would reasonably serve a purpose which it is firmly believed may be found to be common to both countries.

46367

No. 428.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(Irish Free State. Secret.)

Dominions No. 373. Secret.)

[MY LORD.] [SIR.]

Downing Street, [3rd] [2nd] October, 1923.

WITH reference to my Secret despatches [Dominions No. 281 of the 1st of August,* and Dominions No. 336 of the 6th of September,†] [of the

1st of August,* and the 7th of September,†] I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, the accompanying copies of a despatch, dated the 22nd of August, and of a telegram, dated the 14th of September, to His Majesty's Chargé d'Affaires at Washington, regarding the proposals of the United States Government for an extension to twelve miles of the limit of territorial jurisdiction in connexion with the liquor traffic. I also enclose a copy of a telegram from Mr. Chilton as to the making of a public statement on the subject.

[To Irish Free State only: 2. Similar despatches are being sent to the other self-governing Dominions.]

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 428.

(No. 1308.)

SIR,

Foreign Office, S.W.1, 22nd August, 1923.

I HAVE had under careful consideration, in consultation with the other Departments of His Majesty's Government concerned, Mr. Hughes' proposals for an extension of territorial jurisdiction in connexion with the liquor traffic from the ordinary three mile limit of territorial waters to a distance of twelve miles from the coast, as embodied in the draft Treaty enclosed in Sir A. Geddes' despatch No. 751 of 14th June last.†

2. The object of the United States Government in making these proposals is to secure the right to search and arrest ships from which spirituous liquors are sold just outside the present limit of territorial jurisdiction. The extent of this traffic seems, however, to have been exaggerated, judging from the following statement published by Mr. Haynes, the United States Prohibition Commissioner, in the *New York Times* of 18th July last.

"The moonshine-still is the bootleggers' chief source of supply. From what other place can he get his liquor in quantity? Surely not from the rigidly controlled bonded warehouses—they are eliminated at once. As to smuggled liquor, some it is true is brought into the country, but not one-tenth as much as the illegal traffic would have us believe.

When reports of huge smuggling operations are circulated, it should be remembered that the illicit liquor interests are conducting a great and elaborate propaganda campaign to discredit law enforcement, and that the spreading of such reports is part and parcel of that campaign. No bootlegger, of course, is willing to admit that he can obtain only adulterated moonshine. Hence, fanciful tales of the wet wave sweeping in on our coasts and other related falsehoods pass from mouth to mouth to hide the real and dangerous origin of what the bootlegger has to sell."

3. In face of this authoritative pronouncement, I feel additional hesitation in accepting proposals which, with all due respect to Mr. Hughes, cannot, in my opinion, fail to weaken the authority of the general rule of international law, whereby three miles is regarded as the limit of territorial jurisdiction. Moreover, the Atlantic coast line of the United States, except the small part between Portland (Maine), and the Bay of Fundy, is so low, that it is not as a rule visible twelve miles out at sea; the difficulty of deciding the exact position of the proposed new limit would, in consequence, be much increased, and there would be a constant risk of disputes arising between the two countries whenever a British ship was boarded or arrested by the United States preventive service on or near the new line. In this connexion, I should observe that the ancient British Hovering Acts were modified in 1876 to bring them into harmony with the principles of international law, and His Majesty's Government cannot admit that the municipal legislation of any country can override those principles.

4. No spirituous liquors are cleared direct from this country to United States ports, and so far as British subjects are concerned, there is no violation of any law, British or international, in the sale of such liquors on the high seas to purchasers of any nationality; therefore, there is no obligation upon His Majesty's Government to interfere with the prosecution of a perfectly legitimate trade. Nevertheless, the

whole question has been carefully examined with an earnest desire to afford the United States Government any proper assistance in the difficulties which they are encountering in the enforcement of the Volstead Act. In this spirit, legislation was considered with a view to prohibiting the export of spirituous liquors to destinations adjacent to the United States except under licence, or to rendering illegal the discharge of such liquors at ports other than those to which they were originally consigned. It became apparent, however, that such legislation would necessitate, and could indeed only be made effective by, rationing supplies not merely to countries adjacent to the United States, but to all countries, for which purpose powers would be required similar to those exercised for the control of trade during the War. The United States Government will probably agree that His Majesty's Government could hardly be expected to revive such powers, seeing that the United States Government themselves (in March, 1920), explained their inability to ratify the Convention for the control of the arms traffic on the very ground that they were not prepared to revive the war Regulations by which alone a private trade could be regulated.

5. Assuming, however, that measures could be devised for stopping the export from this country of spirituous liquors which might ultimately reach the United States, and that all other countries were prepared to take similar action so that the traffic would not merely be diverted into other channels, His Majesty's Government would still feel great hesitation in proposing such measures to Parliament so long as British ships are prevented from carrying liquor under seal in transit through United States waters. As far as I am aware, it has never been alleged that any liquor at all has made its way into the United States from the stores of British ships calling at United States ports, so that this restriction, besides constituting in effect an interference with the liberty of British ships on the high seas, appears to be entirely superfluous.

6. His Majesty's Government do not deny the strictly legal right of the United States or any other country to impose its jurisdiction on all ships whether national or foreign within its territorial waters. His Majesty's Government themselves claim that right, and it is even the case that some of the provisions of the British Merchant Shipping Acts are such that ships visiting ports in the United Kingdom must comply with them before entering and after leaving the jurisdiction. These provisions, however, relate solely to the safety and welfare of the ship, crew and passengers. Similar provisions exist in the legislation of the United States and other countries, and they are generally recognized as reasonable.

7. It is, however, equally well recognized that the circumstances of ships, travelling as they do from port to port in many different countries, are peculiar, and that to subject them to all the different and often conflicting requirements of the various jurisdictions which they may enter, would create an impossible situation. Consequently, as a matter of international comity and practice, the maritime Powers refrain from imposing their jurisdiction on foreign ships except for the purposes stated above, namely, the safety and welfare of the ships, crews and passengers. The principle was well stated in the despatch of 28th October, 1852 from Mr. Conrad, when Acting Secretary of State, to the United States Minister at Madrid, wherein he writes:—

"You will state that this Government does not question the right of every nation to prescribe the conditions on which the vessels of other nations may be admitted into her ports. That nevertheless those conditions ought not to conflict with the received usages which regulate the commercial intercourse between civilized nations. That those usages are well known and long established, and no nation can disregard them without giving just cause of complaint to all other nations whose interests would be affected by their violation."

8. The United States Government have indeed given recent proof of their fidelity to the same principle, in exempting ships trading between the United States and Italy from the strict application of the Volstead Act, on the ground that Italian law requires the provision of a certain amount of liquor on such ships. You should, therefore, make a representation to the United States Government in the sense of this despatch and express the earnest hope that means may be found to modify the present application of the Volstead Act to British ships, and thus to remedy what is, in effect, an unwarrantable interference with the domestic concerns of British ships on the high seas.

9. You should suspend action on the instructions contained in this despatch until you receive my further authority to act upon them.

I am, &c.,
CURZON OF KEDLESTON.

H. G. Chilton, Esq., C.M.G.,
&c., &c., &c.

Enclosure 2 in No. 428.

TELEGRAM TO MR. CHILTON (WASHINGTON) FROM THE FOREIGN OFFICE.

(Sent 7.0 p.m., 14th September, 1923.)

(No. 283.)

My despatch No. 1308 of the 22nd August, Mr. Hughes' proposal for twelve-mile limit to check smuggling of liquor. You should now address a Note to the United States Government in the sense of this despatch, adding the following paragraph:—

"In view of the difficulties of the case, His Majesty's Government could not agree to an extension of the three mile limit even for a limited purpose. until the matter has been submitted to the Imperial Conference which will meet within a few weeks in London."

Enclosure 3 in No. 428.

TELEGRAM FROM MR. CHILTON (WASHINGTON) TO THE FOREIGN OFFICE.

(Received 8.30 a.m., 20th September, 1923.)

(No. 391.)

19TH SEPTEMBER. Your despatch No. 1308, and your telegram No. 283.

Acting Secretary of State told me last night that he was continually receiving inquiries from Press, as to whether anything further had been received from His Majesty's Government with regard to twelve mile limit proposal, and that now that he had received my Note, he would have to tell them something.

He asked whether there would be any objection to issuing a statement to Press, giving the gist of Your Lordship's arguments. I said that I saw no reason for this, and that it should certainly not be done without Your Lordship's consent. If he must publish something on the subject, I suggested that he should confine himself to saying that he had received a communication from His Majesty's Government stating that they were not disposed to agree to Mr. Hughes' proposal (which Your Lordship had already stated in the House of Lords), but that the matter would be discussed at forthcoming Imperial Conference (which had already been announced in the Press).

Mr. Phillips agreed to this, and statements on these lines appear in to-night's Press.

I have replied similarly to representatives of Press who have called here.

54179

No. 429.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

(Irish Free State. Secret.)

} Secret. Dominions No. 425.)

[MY LORD,] [SIR,]

Downing Street, [16th] [19th] November, 1923.

WITH reference to my Secret despatch [Dominions No. 373 of the 3rd of October*] [of the 2nd of October*], I have the honour to transmit to [Your

* No. 428.

Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a despatch addressed to His Majesty's Representative at Washington relative to the draft Treaty with the United States regarding the right of search and seizure of British vessels outside the three-mile limit.

2. I also enclose copies of telegraphic correspondence with His Majesty's Representative at Washington on this subject.

To Irish Free State only: 3. Similar despatches are being sent to the other self-governing Dominions.

I have, &c.,

DEVONSHIRE.

Enclosure 1 in No. 429.

(No. 1679.)

SIR,

Foreign Office, S.W.1, 7th November, 1923.

You were informed by my despatch No. 1308 of 22nd August last* that some difficulty was felt in agreeing to the proposals embodied in Mr. Hughes' draft Treaty for the regulation of the liquor traffic, because the provisions of that Treaty tended to weaken the authority of the three-mile limit rule, and because the prohibition of the carriage of liquor under seal by British ships constituted a violation of the generally accepted canons of international comity.

2. You were further informed that the whole question would be referred to the Imperial Conference, and for that purpose a treaty was drafted (copy, with explanatory note, enclosed), which concedes to the United States Government an even wider area of search than that defined in Mr. Hughes' Treaty, and at the same time assures to British ships the right to carry liquor under seal in transit through United States territorial waters.

3. The draft Treaty was about to be submitted to the Conference for consideration when I was advised of the danger that this concession, though sanctioned by a Treaty and therefore legal, might be regarded by the United States Courts as unconstitutional, and that British ships might in consequence, notwithstanding the Treaty, be deprived of that privilege by legal proceedings over which the administration could exercise no control.

4. Reference to the judgment of the Supreme Court of 23rd April last (enclosed in Sir A. Geddes' despatch No. 578)† seems to show that the danger is not one to be disregarded. In delivering that judgment Mr. Justice Devanter said:—

"While the construction and application of the National Prohibition Act is the ultimate matter in controversy, the Act is so closely related to the eighteenth Amendment, to enforce which it was enacted, that a right understanding of it involves an examination and interpretation of the Amendment. The first section of the latter declares:

"Section 1.—After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from, the United States and all territory subject to the jurisdiction thereof, for beverage purposes is hereby prohibited."

He then proceeded to show that the Volstead Act correctly carries out the intention of the eighteenth Amendment, and then that the proper interpretation of the Act is that no ship, domestic or foreign, can carry liquor in transit within United States territorial waters. That is to say, such carriage of liquor appears to be not merely illegal but unconstitutional.

5. I have not overlooked the President's statement to the Press, reported in your telegram No. 434,‡ to the effect that as Congress specifically exempted from the operation of the Act liquor in transit through the Panama Canal, it thereby recognized that the right of foreign ships to transport liquor in United States waters is not prohibited by the Constitution but merely by the Act, which latter can be modified by the Treaty. I am, however, not aware that the right to carry liquor through the Panama Canal has ever been challenged and confirmed in the United States Courts, nor can I regard the precedent as altogether reassuring.

6. In the case of the Canal it is obviously to the interest of the United States not to enforce a prohibition which would tend to divert shipping to other routes

* Enclosure 1 in No. 428.

† Enclosure in No. 421.

‡ Enclosure 3 in No. 429.

and thus impair the profitable operation of the waterway. Whereas in the case of the carriage of liquor in transit by British ships in United States territorial waters generally, the shipping interests of the United States have already shown signs of opposition to a concession calculated to place them in a position of inferiority as compared with their British competitors.

7. There is in consequence no guarantee that the constitutional validity of the concession may not be challenged in the Courts, irrespective of any assurance or opinion expressed by the President or by any other member of the administration. Should it be so challenged and not confirmed by the Courts, His Majesty's Government would lose the privilege in return for which they are making what appears to them to be a very important concession about the right of arrest and search.

8. As at present advised, it appears to me impossible to proceed with the Treaty or any similar arrangement until His Majesty's Government have been favoured with authoritative assurances of the United States Government on this point.

I am, &c.,

CURZON OF KEDLESTON.

H. G. Chilton, Esq., C.M.G.,
&c., &c., &c.

DRAFT TREATY.

1. The High Contracting Parties declare that it is their firm intention to uphold the principle that three marine miles measured from low water mark constitute the proper limits of territorial waters.

2. (1) His Britannic Majesty agrees that he will raise no objection to the boarding of private vessels under the British flag outside the limits of territorial waters by the authorities of the United States in order that inquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavouring to import or have imported alcoholic beverages into the United States in violation of the laws in force in that country. When such inquiries and examination show a reasonable ground for suspicion, a search of the vessel may be instituted.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offence against the laws of the United States prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States than can be traversed in one hour by the vessel suspected of endeavouring to commit the offence. In cases, however, in which the liquor is intended to be conveyed to the United States by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

3. The United States agrees to allow British vessels voyaging to or from the ports or passing through the waters of the United States to have on board alcoholic liquors listed as sea stores or as cargo destined for a foreign port, provided that such liquor is kept under seal while within the jurisdiction of the United States.

4. Any claim by a British vessel for compensation on the ground that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article 2 of this treaty or on the ground that it has not been given the benefit of Article 3 shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Claims Commission established under the provisions of the Agreement for the Settlement of Outstanding Pecuniary Claims signed at Washington on 18th August, 1910, but the claim shall not, before submission to the Tribunal, require to be included in a schedule of claims confirmed in the manner therein provided.

5. This treaty shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the treaty.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the treaty shall lapse.

If no notice is given on either side of the desire to propose modifications, the treaty shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose, as provided above, three months before its expiration modifications in the treaty, and to the provision that, if such modifications are not agreed upon before the close of the period of one year, the treaty shall lapse.

DRAFT TREATY WITH THE UNITED STATES FOR THE SEIZURE OF BRITISH VESSELS OUTSIDE THE THREE-MILE LIMIT.

THE following explanations may serve to remove the misapprehensions which are felt with regard to the wording of paragraph 3 of Article 2.

The conditions which have to be met are those of fishing schooners or other slow sailing vessels being used as depot ships and lying outside the three-mile limit but employed as part of an organization under which the actual transporting of the liquor into the United States is carried out on fast motor boats. These depot ships would move so slowly that it would be no use to the Americans to be able to search and if necessary seize such vessels only at a distance which the depot ships themselves could travel in the space of an hour. The wording of paragraph 3 was, therefore, chosen so as to make the computation of the distance from the shore determined by the speed of the vessel transporting the liquor (i.e., in the case under consideration the fast motor boat) and not the vessel on which the liquor may be found or which is suspected of taking part in the importation and is searched accordingly.

It may be that the wording of paragraph 3 of Article 2 is not sufficiently explicit, and if it is thought necessary to make it clearer, I would suggest the following wording:—

"(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States than can be traversed in one hour by the vessel suspected of endeavouring to commit the offence. In cases, however, in which the liquor is intended to be conveyed to the United States by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded which shall determine the distance from the coast at which the rights under this article can be exercised."

C. J. B. HURST.

2nd November, 1923.

[54178]

Enclosure 2 in No. 429.

TELEGRAM FROM MR. CHILTON (WASHINGTON) TO THE FOREIGN OFFICE.

(Received 10.40 p.m., 1st November, 1923.)

(No. 430. (R.)) 1st November. My telegram No. 426.

Press to-day announces that His Majesty's Government have agreed to negotiate a treaty with United States Government regarding right of search and seizure which will not be confined to a twelve-mile limit but will probably embrace distance covered by broad term "an hour's sailing distance from American shore," which is reckoned roughly at from ten to fifteen miles. Treaty is stated to give Great Britain America's formal affirmation of three-mile limit as governing British maritime rights generally.

Secretary of State informed me to-day that he had no information on the subject from United States Ambassador in London, who is stated by Press to have settled the question with Your Lordship.

[54178]

Enclosure 3 in No. 429.

TELEGRAM FROM MR. CHILTON (WASHINGTON) TO THE FOREIGN OFFICE.

(Received 4.0 p.m., 4th November, 1923.)

(No. 434. (R.)) 4th November. My telegram No. 430.

Some days ago Department of Justice raised question in Press as to whether a treaty extending right of search to twelve miles could be made under Supreme Court decision because apparently Supreme Court had stood upon constitution in denying right of foreign steamship lines to bring liquor into American waters.

President announced yesterday to representatives of Press that he agrees with Secretary of State that treaty-making power of Government can negotiate such a treaty without violating constitution. Treaty would be supreme over Prohibition Act. White House view is stated to be that act specifically exempted from its provisions ships operating through Panama Canal. Therefore Congress recognized that constitution did not deny right of foreign ships to transport liquor in American waters. Therefore (inhibition) must lie in Prohibition Act and a treaty approved by treaty-making powers which are executive and legislative branches of Government is supreme over a domestic law.

[54178]

Enclosure 4 in No. 429.

EXTRACT FROM TELEGRAM FROM LORD CURZON TO MR. CHILTON (WASHINGTON),
5TH NOVEMBER.*Proposed Treaty with United States Extending Limit of Right of Search.*

* * * * *

LIQUOR Traffic. When, in conversation with United States Ambassador, I referred in general terms to the agreement with the United States, which I was about to recommend to the Imperial Conference, it had been urged by Mr. Harvey that it should not be in the form of an exchange of notes, as we had contemplated, but should be embodied in a treaty. This he urged for technical and juridical reasons. I had made it perfectly clear to His Excellency that the whole question had still to be submitted to and debated by the Imperial Conference and, therefore, nothing definite could, as yet, be said about the proposed treaty. Pending the receipt of your views on a number of points which I am embodying in a despatch, in view of the doubt which has now been raised in the United States as to whether a treaty can over-ride an article of the American constitution, the discussion of the treaty in the Imperial Conference must now be deferred.

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[54178]

Enclosure 5 in No. 429.

EXTRACT FROM TELEGRAM FROM MR. CHILTON (WASHINGTON) TO LORD CURZON
6TH NOVEMBER, 1923.*Proposed Extension of Limit of Right of Search.*

I saw Mr. Hughes this morning and spoke to him in the sense of Your Lordship's telegram of 5th November and he said that he would await further communications from me on the subjects mentioned.

Mr. Hughes told me, regarding the liquor traffic question, that when Mr. Harvey had returned from London recently he had instructed him to communicate to Your Lordship the text of a clause which he was to suggest could be embodied in the treaty and which he thought would make everything perfectly safe. The Secretary of State repeated to me the reasons why there was no danger of the proposed treaty violating the constitution, which are the same as those given by President Coolidge to the Press, as reported in my telegram of 3rd November, and he expressed himself confidently that the treaty would pass the Senate.

* * * * *

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No. 430.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(Irish Free State. Secret.)

Dominions No. 462. Secret.)

[MY LORD.] [SIR.] Downing Street, [7th] [10th] December, 1923.

WITH reference to my Secret despatch [Dominions No. 425 of the 16th of November,*] [of the 19th November,*] I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, the accompanying copies of correspondence† with His Majesty's Chargé d'Affaires at Washington on the subject of the draft Treaty with the United States regarding the right of search and seizure of British vessels outside the three-mile limit; and of further telegrams‡ from Mr. Chilton regarding the seizures of the schooners "Tomaka" and "Island Home."

[To Irish Free State only: 2. Similar despatches are being sent to the other self-governing Dominions.]

I have, &c.,
DEVONSHIRE.

[56576]

Enclosure 1 in No. 430.

(No. 1379.)

MY LORD, British Embassy, Washington, D.C., 9th November, 1923.

I HAVE the honour to report that great prominence has been given of late to telegrams emanating from London and reporting that not only have His Majesty's Government accepted in principle Mr. Hughes' proposals for allowing the competent American authorities to search, and if necessary to seize, within a limit of twelve miles from the United States coast, vessels flying the British flag and suspected of being engaged in the illicit liquor traffic, but that they are even about to go a little further and to allow such action as is described above to be taken within a distance of one hour's sail from the American shore.

The press generally evinces great satisfaction that at last an agreement is about to be reached between the two countries which will both assist in the enforcement of the prohibition law and at the same time remove a cause of possible friction between the United States and Great Britain. It is thought that the wider powers about to be conferred upon the anti-smuggling forces will reduce the illegal importation of liquor very considerably and that in time rum-running will become so precarious an occupation that it will lose its savour.

The credit for having brought about this happy state of affairs is fairly evenly divided between the late American Ambassador in London and the Secretary of State. It is hinted that, although Colonel Harvey's work, while accredited to the Court of St. James, was thorough rather than brilliant, his career in London has come to an end in a blaze of glory. There is also a tendency to assume that His Majesty's Government have been persuaded to agree to Mr. Hughes' proposals through moral pressure exerted by the Dominion Prime Ministers, who are credited with being interested in the outcome of the prohibition experiment in the United States with a view perhaps to the future enactment of similar legislation in their own countries.

It is, however, when the question of the *quid pro quo* required by His Majesty's Government in return for their concession respecting the right of search, etc., comes to be discussed, that the first danger signals are to be seen. While most of the more responsible organs are confident that Congress will not object to the treaty clause permitting British vessels to enter American ports with liquor supplies under seal, the *New York World* adopts the attitude that any such concession would

* No. 429. † 55223 (Enclosure 2): not printed; it summarized Enclosure 4 in No. 434.

‡ 58332: not printed; they dealt with the circumstances of the particular seizures.

be unconstitutional. The Anti-Saloon League, jubilant over the twelve-mile limit, roundly condemns the entry of even securely sealed liquor into American waters. Lastly, the private shipping interests frankly admit they will oppose a bargain which they feel will attract passengers to British lines in preference to American. They take no interest whatever in the question of smuggling, but are reported to be preparing to fight the whole treaty to prevent American shipping from being subjected once more to "wet" competition which proved very irritating until the Supreme Court decision.

I have, &c.,
H. G. CHILTON.

The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.

[56736]

Enclosure 3 in No. 430.

TELEGRAM TO MR. CHILTON (WASHINGTON) FROM THE FOREIGN OFFICE.

(Sent 3 p.m., 21st November, 1923.)

(No. 360. (R).)

My despatch No. 1679* of 7th November instructs you to take up negotiations with United States Government about the proposed liquor treaty. Meanwhile, I notice press reports that the President has approved Treasury proposals for extension of the preventive service, on the assumption that the treaty conceding a wider zone of search is certain to be concluded.

You should lose no time in acting on the above instructions if received. If not, you should inform State Department unofficially that they are on the way and suggest propriety of deferring publicity about action to be taken on the strength of the treaty until its conclusion and ratification are more assured.

[56736]

Enclosure 4 in No. 430.

TELEGRAM FROM MR. CHILTON (WASHINGTON) TO THE FOREIGN OFFICE.

(Received 9.0 a.m., 24th November, 1923.)

(No. 472. (R).) 23rd November. Your telegram No. 360 and your despatch No. 1679.*

I handed a note to Secretary of State to-day requesting assurance asked for by Your Lordship.

Mr. Hughes promised to reply in writing immediately.

Copy of note by bag to-day.

Enclosure 6 in No. 430.

TELEGRAM FROM MR. CHILTON (WASHINGTON) TO THE FOREIGN OFFICE.

(Received 11.15 a.m., 27th November, 1923.)

(No. 474. (R).) 26th November. Your despatch No. 1679* and my telegram No. 472.†

Following is text of note handed to me by Secretary of State to-day.

Begins: I am gratified to observe sympathetic consideration that His Majesty's Government is giving proposals embodied in draft treaty.

It is hardly necessary to say that in these proposals there has been no intention to violate eighteenth amendment of Federal Constitution. On the contrary the purpose is to aid their enforcement.

In the case of Cunard Line Steamship Company Limited *et al.*, versus Mellon, Secretary of Treasury *et al.* (decided 30th April, 1923) to which you refer (Justice

* Enclosure 1 in No. 429.

† Enclosure 4.

Van Devaners' judgment) question of validity of an act of Congress or a treaty excepting from penalty or forfeiture intoxicating liquor carried as cargo or sealed stores not destined for delivery or consumption within territory of United States, but carried under seal while in transit through territorial waters, was not involved and that decision cannot be regarded as determining that question. In that case it was held that Congress acting within its authority had actually imposed penalties upon such carriage, and an injunction restraining officers of Government from proceeding against complaining steamship companies and their ships under act of Congress as thus construed, was denied.

While precise question raised in your note has not been decided there are certain applicable principles which are deemed to be controlling. Eighteenth amendment provides:—

1. After one year from ratification of this article, the manufacture, sale or transportation of intoxicating liquors within, importation thereof into, or exportation thereof from United States and all territory subject to jurisdiction thereof for beverage purposes is hereby prohibited.

2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

It is apparent that first section provides no penalties and that these are reserved to appropriate legislation. As Supreme Court of United States has recognized, a constitutional provision "is self-executing only so far as it is susceptible of execution." (Davis versus Burke, 179 U.S., 399, 403). As no penalties or forfeitures are prescribed in eighteenth amendment itself and Congress is empowered to enforce that amendment by appropriate legislation, it is manifest that to the sole discretion of Congress is confided determining of what are appropriate penalties and forfeitures. In judgment of this Government there is no reason to doubt that in exercise of this authority Congress may consider all pertinent circumstances and best means of enforcing constitutional provision, and may thus consider it entirely appropriate not to impose penalties or forfeitures with regard to intoxicating liquor which is not destined for consumption or delivery within United States of America but is simply carried in transit through territorial waters.

The authority which is thus deemed to be possessed by Congress has already been exercised with regard to transit of intoxicating liquors through Panama Canal. There is a special provision in Volstead Act dealing with Canal Zone which excepts "liquor in transit through Panama Canal or on Panama railroads." It is true that validity of this exception has not been subject of precise adjudication but it is believed to have been fully recognized by Supreme Court in decision which you have cited in your note. Supreme Court there said "much has been said at the bar and in briefs about Canal Zone exception, various deductions are sought to be drawn from it respecting applicability of Act elsewhere. Of course the exception shows that Congress for reasons appealing to its judgment has refrained from attaching any penalty or forfeiture to transportation of liquor while 'in transit through Panama Canal or on Panama railroads.' Beyond this it has no bearing here save as it serves to show that where in other provisions no exception is made in respect of merchant ships either domestic or foreign within waters of United States none is intended.

Examining Act as a whole, we think it shows very plainly, first, that it is intended to be operative throughout territorial limits of United States with single exception stated in Canal Zone provision, second, that it is not intended to apply to domestic vessels when outside territorial waters of United States, and third, that it is intended to apply to all merchant vessels whether foreign or domestic when within those waters, save as Panama Canal Zone exception provides otherwise."

It will be observed that exception is not criticized nor is it said to lie beyond power of Congress, but it is stated that exception shows "that Congress for reasons appealing to its judgment has refrained from attaching any penalty or forfeiture" to transportation described.

It is view of this Government that Congress has same authority to except from penalties or forfeitures intoxicating liquor in transit through territorial waters not destined for delivery or consumption within the United States, that it has excepted from penalty or forfeiture intoxicating liquor in transit through the Panama Canal.

Moreover, if Congress made such an exception it is manifest that there would be no penalty or forfeiture attaching to such transit.

It is also view of this Government that as constitution does not deal with penalties or forfeitures and these remain within law-making power, this subject cannot be regarded as having already been withdrawn from treaty-making power. The treaty-making power is deemed to be quite as broad in this respect as legislative power. As was said by Supreme Court of United States in the case of *Missouri versus Holland* 252 U.S., 416, 433, "acts of Congress are supreme law of the land only when made in pursuance of constitution, while treaties are declared to be so when made under authority of United States. It is open question whether authority of United States means more than the formal acts prescribed to make convention. We do not mean to imply that there are no qualifications to treaty-making power; but they must be ascertained in a different way. It is obvious that there may be matters of exigency for national well-being that an act of Congress could not deal with but that a treaty followed by such an act could, and it is not lightly to be assumed, in matters requiring national action, 'a power which must belong to and somewhere reside in every civilized government' is not to be found." You will not fail to observe that part of proposed treaty above-mentioned relates only to exception from penalties and forfeitures in particular circumstances described in treaty, treaty as a whole is clearly intended to secure better enforcement of eighteenth amendment by enforcing measures to prevent operations which have seriously interfered with that enforcement. The provisions with regard to arrest and search are to be considered in connexion with exception from penalty and forfeiture in case of liquors merely in transit.

I have, therefore, no hesitation in saying that while this Government is clearly of opinion that proposed treaty would have constitutional validity, there would be no attempt on the part of Congress to insist upon the provisions as to arrest and search in opposition to desires of His Majesty's Government to abrogate treaty in case proposed exception from penalty and forfeiture should either by final judicial decision or by act of Congress become inoperative.

Such abrogation would of course not be deemed to impair any rights possessed by this Government irrespective of treaty.

60127

No. 431.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 4.0 p.m., 13th December, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

13TH DECEMBER. Secret. My despatch 16th November, Secret, Dominions 425,* proposed Liquor Treaty with United States. His Majesty's representative at Washington has presented draft Treaty to United States Government. United States Government have suggested certain minor modifications, and, in particular, revised draft of Article 3 providing that position of liquors carried on British ships under seal shall be same as now provided in regard to liquors in transit through Panama Canal.

Before draft Treaty presented, clause added providing for its automatic lapsing in event of parties being prevented from carrying out Treaty by difficulties of constitutional nature. United States Government, while preferring that Treaty should be subject to denouncement in such event, are prepared to agree to provision for automatic lapsing in event of either party being prevented by judicial decision or legislative action from giving full effect to provisions of Treaty.

Despatch† follows.—SECRETARY OF STATE FOR THE COLONIES.

* No. 429.

† No. 434.

60127

No. 432.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 6.0 p.m., 13th December, 1923.)

TELEGRAM.

(Commonwealth of Australia.)
(New Zealand.)

SECRET. My telegram of 13th December, Secret,* despatch† referred to should reach you in about fortnight. General position explained in my telegram of 29th October, Secret,‡ Summary of Imperial Conference proceedings, and in published report of Conference.§ Text of draft Treaty in despatch contained following main provisions:—

- (1) Declaration of principle of three-mile limit of territorial waters.
- (2) No objection will be raised by His Britannic Majesty to boarding of British vessels within not more than one hour's sailing distance from United States coast. Search and seizure of such vessels permissible where reasonable grounds for suspicion exist.
- (3) British vessels may carry liquor in United States waters under seal.
- (4) Provision for arbitration on claims for compensation.
- (5) Treaty to be in force for one year.

—SECRETARY OF STATE FOR THE COLONIES.

60707

No. 433.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 3.50 p.m. 17th December, 1923.)

TELEGRAM.

[Answered by No. 437.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

17TH DECEMBER. Secret. My telegram 13th December,* Liquor Treaty with United States. Following is revised text incorporating amendments proposed by United States Government which His Majesty's Government are prepared to accept. Before authorizing His Majesty's Chargé d'Affaires at Washington to sign treaty His Majesty's Government would be glad to learn whether your Government concur in its terms. Contemplated that Parliament here should be given opportunity of discussing treaty prior to ratification.

Draft Treaty begins:—

1. High contracting parties declare that it is their firm intention to uphold principle that three marine miles extending from coastline outwards and measured from low-water mark constitute proper limit of territorial waters.

2. (1) His Britannic Majesty agrees that he will raise no objection to the boarding of private vessels under the British flag outside the limits of territorial waters by the authorities of the United States in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavouring to import or have imported alcoholic beverages into the United States its territories or possessions in violation of the laws there in force. When such inquiries and examination show reasonable ground for suspicion, search of the vessel may be instituted.

* No. 431.

† No. 429.

‡ 52647: not printed; it contained a summary of the proceedings of the Imperial Conference. § See page 12 of Cmd. 1987.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offence against the laws of the United States prohibiting the importation of alcoholic beverages, vessel may be seized and taken into a port of the United States its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States its territories or possessions than can be traversed in one hour by the vessel suspected of endeavouring to commit the offence. In cases, however, in which the liquor is intended to be conveyed to the United States its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine distance from the coast at which the right under this article can be exercised.

3. No penalty or forfeit under laws of United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of carriage of such liquors, when such liquors are listed as sea stores or cargo destined for port foreign to United States of America its territories or possessions on board British vessels voyaging to or from ports of United States of America or its territories or possessions or passing through territorial waters thereof, and such carriage shall be as now provided by law with regard to transit of such liquors through Panama Canal provided such liquors shall be kept under seal continuously while vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within United States, its territories or possessions.

4. Any claim by a British vessel for compensation on the ground that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article 2 or on the ground that it has not been given the benefit of Article 3 shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the high contracting parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, claim shall be referred to the Claims Commission established under the provisions of the agreement for the Settlement of Outstanding Pecuniary Claims signed Washington 18th August, 1910, but the claim shall not, before submission to the tribunal, require to be included in schedule of claims confirmed in the manner therein provided.

5. Treaty shall be subject to ratification and shall remain in force for one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the high contracting parties may give notice of desire to propose modifications in the terms of the treaty.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, treaty shall lapse.

If no notice is given on either side of the desire to propose modifications, treaty shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose, as provided above, three months before its expiration, modifications in the treaty, and to the provision that if such modifications not agreed upon before the close of the period of one year, treaty shall lapse.

6. In the event that either of high contracting parties shall be prevented either by judicial decision or legislative action from giving full effect to provisions of present treaty the said treaty shall automatically lapse and, on such lapse or whenever this treaty shall cease to be in force, each high contracting party shall enjoy all rights which it would have possessed had this treaty not been concluded.—*Ends.*

Please telegraph reply at earliest possible date.—SECRETARY OF STATE FOR THE COLONIES.

60127

No. 434.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.	} Secret. Dominions No. 476.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	
(Irish Free State. Secret.)	

[MY LORD,] [SIR,]

Downing Street, 19th December, 1923.

WITH reference to [To Canada, Union of South Africa, Newfoundland: my telegram of the 13th December* and my Secret despatch Dominions No. 462 of the 7th December†] [To Australia and New Zealand: my telegrams of the 13th December‡ and my Secret despatch Dominions No. 462 of the 7th December§] [To Irish Free State: my Secret despatch (2) of the 10th December¶] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of telegraphic correspondence with His Majesty's Chargé d'Affaires at Washington on the subject of the draft Treaty with the United States regarding the right of search and seizure of British vessels outside the three-mile limit, and also a copy of a despatch from Mr. Chilton confirming and amplifying his telegram of the 10th November, a copy of which was enclosed in my despatch under reference.

2. [To Irish Free State only: A similar despatch is being sent to the other self-governing Dominions.]

I have, &c.,
DEVONSHIRE.

[59338]

Enclosure 1 in No. 434.

TELEGRAM FROM LORD CURZON (Foreign Office) to MR. CHILTON (Washington).
(1st December.)

(No. 369.) Proposed Liquor Treaty with United States.

I quite see that it would hardly be possible for us to ask Mr. Hughes to go further than he does in the note, the text of which you transmitted in your telegram of 26th November,§ but at the same time there is nothing in that note which gives a definite guarantee that a decision in the Supreme Court may not render the Treaty unworkable. I am, therefore, of opinion that we should try to secure the addition of a further clause (No. 6) on the following lines:—

"In the event of either of the High Contracting Parties being prevented by difficulties of a constitutional nature from giving full effect to the provisions of the present Treaty, the said Treaty shall automatically lapse."

I should be glad to receive your views as to whether it is advisable to propose such a clause and, if you think it desirable, I am quite ready that you should discuss it first informally with Mr. Hughes. The object of it, of course, is to render it unnecessary for His Majesty's Government positively to denounce the Treaty or take any action tantamount to denunciation, should the constitutional difficulties referred to arise.

You have full discretion as to the best means of approaching the United States Government on this point, and you may first consult Mr. Hughes or not as it seems best to you. In any case you are authorized to propose to the United States Government the Treaty of which the text accompanied my despatch No. 1679.¶

* No. 431. † No. 430. ‡ Nos. 431 and 432. § Enclosure 6 in No. 430. ¶ Enclosure 1 in No. 429.

[60282]

Enclosure 2 in No. 434.

TELEGRAM FROM MR. CHILTON (Washington) to LORD CURZON (Foreign Office).
(3rd December.)

Liquor Treaty with United States of America.

I decided after careful consideration of Your Lordship's telegram of 1st December that for the following reasons it would be better to insert Clause 6 in the draft Treaty to be submitted to the United States Government:—

(1) If I first discussed it with the Secretary of State and he raised objections to it, it would be more difficult for us to insist on its being put in the Treaty.

(2) If it were once inserted in the draft, it would render it less easy for Mr. Hughes to ask for it to be cut out.

I therefore inserted it in the draft which I handed to Mr. Hughes to-day and explained the reasons why His Majesty's Government desired its inclusion. He replied by saying he would prefer to examine the draft carefully before commenting upon it.

[60283]

Enclosure 3 in No. 434.

TELEGRAM FROM MR. CHILTON (Washington) to FOREIGN OFFICE.

(Received 9.0 a.m., 8th December, 1923.)

7TH DECEMBER. (No. 490. (R.)) My telegram No. 483.

Secretary of State has carefully considered draft proposed by His Majesty's Government and has handed me an *aide-memoire* embodying his views and certain proposed alterations.

While United States Government would have preferred that distance for the purpose of search and seizure be more definitely delimited, it has been concluded, in view of evident desire of His Majesty's Government to attain object in view, and of importance of an early disposition of the matter, not to raise objections to provisions contained in articles 2, 4 and 5 of draft except to add words "its territories or possessions" after words "United States" in article 2.

Article 1.—In order to avoid a detailed statement with regard to ports, bays, harbours, etc., Mr. Hughes desires that after words "three marine miles" there should be inserted words "extending from coast-line outwards and measured," etc.

Article 3.—In Secretary of State's communication of 26th November* (my telegram No. 474) question of constitutional validity of proposed treaty was considered and it was pointed out that law-making power of Congress and treaty-making power were deemed to extend, under eighteenth amendment of Federal Constitution, to determination of penalties or forfeits and such exceptions thereto as might be deemed to be appropriate in view of all pertinent circumstances and after consideration of best means of enforcing constitutional provision. Mr. Hughes thinks it is important, however, that provision of treaty on this point should clearly reflect this view and should relate to an exception from penalties and forfeits. (He laid considerable stress on this.) In order to leave no room for question as to intent he considers it advisable to refer to existing exception in the case of Panama Canal. For these reasons he proposes that article 3 shall be amended to read as follows:—

"3. No penalty or forfeit under laws of United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to United States of America its territories or possessions on board British vessels voyaging to or from ports of United States of America or its territories or possessions or passing through territorial waters thereof, and such transit through such waters shall be as now provided by law with regard to transit of such liquors through Panama Canal provided such liquors shall be kept under seal continuously while vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within United States, its territories or possessions."

While United States Government would have preferred that treaty should be subject to denouncement in the event under consideration they understand that

* Enclosure 6 in No. 430.

His Majesty's Government strongly desire not to have a provision for denouncement but instead to have a provision for automatic lapsing of treaty in the event described. United States Government will not oppose this view, but they consider that there should be a modification of text of proposed article in following particulars. Expression "difficulties of a constitutional nature" is in their opinion too indefinite. Such difficulties if they arose would be presented by a judicial decision upon the question and Secretary of State desires that reference should be not to "constitutional difficulties" but to "judicial decision" which would prevent giving full effect to provisions of treaty. Moreover, there is also question of legislation subsequently enacted by Congress and while Mr. Hughes thinks this contingency to be remote he considers it should be covered by article. He also thinks it desirable to have a specific statement as to full retention of rights on termination of treaty. For these reasons Secretary of State suggests that article 6 should read as follows:—

"6. In the event that either of high contracting parties shall be prevented either by judicial decision or legislative action from giving full effect to provisions of present treaty the said treaty shall automatically lapse and, on such lapse or whenever this treaty shall cease to be in force, each high contracting party shall enjoy all rights which it would have possessed had this treaty not been concluded."

Secretary of State said he sincerely hoped that His Majesty's Government would agree to these modifications and that treaty might be concluded at early date. Copy of *aide-memoire* and draft as amended by Mr. Hughes by bag to-night.

[59447]

Enclosure 4 in No. 434.

(No. 1391.)

My LORD, British Embassy, Washington, D.C., 10th November, 1923.

WITH reference to my telegram No. 454 of the 10th instant,* I have the honour to inform you that President Coolidge authorized a statement yesterday to the effect that there would be no change in relation to the prohibition against American ships carrying liquor within or outside the three-mile limit, regardless of any treaty that might be made with Great Britain or other countries.

It was also stated that the President did not intend to change the Harding order, which barred the carrying of liquor on vessels flying the American flag outside the three-mile limit. As to the carrying of liquor within the three-mile limit, that was prohibited under the decision of the Supreme Court.

I have, &c.,

H. G. CHILTON.

The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.

60707

No. 435.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 20th December, 1923.

WITH reference to my Secret despatch of the 19th December,† on the subject of the proposed treaty with the United States of America regarding the right of search and seizure of British vessels outside the three mile limit, I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a telegram‡ which has been addressed to the other self-governing Dominions. I should be glad to be informed at the earliest possible date whether your Ministers concur in the terms of the draft treaty set out in the enclosed telegram.

I have, &c.,

DEVONSHIRE.

* Enclosure 2 in No. 430: not printed; it summarized this despatch. † No. 434. ‡ No. 433.

62028

No. 436.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 7.10 p.m., 24th December, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

24TH DECEMBER. My telegram 17th December,* Draft Liquor Treaty with United States. Preamble has now been added setting forth that His Majesty and President of United States of America, being desirous of avoiding any difficulties which might arise between them in connexion with laws in force in United States on the subject of alcoholic beverages, have decided to conclude convention for that purpose. 'In Article 2(1), words "its territories or possessions" have been inserted after "authorities of the United States." Should be glad to learn as soon as possible whether your Ministers concur in terms of Treaty and agree that His Majesty's Chargé d'Affaires Washington may be authorized to sign.—SECRETARY OF STATE FOR THE COLONIES.

62793

No. 437.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3.12 a.m. 29th December, 1923.)

TELEGRAM.

28TH DECEMBER. Your telegram dated 17th December,* Liquor Treaty with United States. My Ministers concur in proposals.—ALLARDYCE.

(3) Pacific Halibut Fishery Treaty.
(Treaty Series 1925, No. 18.)

3157

No. 438.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6 a.m., 17th January, 1923.)

TELEGRAM.

[Answered by No. 444.]

(Paraphrase.)
(Extract.)

16TH JANUARY. Secret. (?I understand) from His Majesty's Ambassador at Washington that he communicated to the Foreign Office on or about the 21st December last copies of a draft Convention between Great Britain and the United States concerning the Halibut Fishery. To-day I have telegraphed to the Ambassador at Washington that this draft Convention is acceptable to Canadian Government with the following modifications (1) In the second line in the heading† substitute the words "Dominion of Canada" for words "Great Britain."

Government of Canada request that the Secretary of State for Foreign Affairs be informed that it is their desire that the necessary full powers be given to the Honourable Ernest Lapointe, K.C., B.A., LL.B., Minister of Marine and Fisheries, to enable him at an early date to sign the Treaty so amended on behalf of the Dominion of Canada.—BYNG.

* No. 433. † The heading in the original draft read "Convention between the U.S.A. and Great Britain concerning Halibut Fishery."

3132

No. 439.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.0 a.m., 17th January, 1923.)

TELEGRAM.

[Answered by No. 445.]

(Paraphrase.)

16TH JANUARY. Private and Personal. With reference to my telegram of to-day's date* on the subject of Pacific Halibut Fishery, I understand that object of request for full powers for Mr. Lapointe is that the Ambassador's signature may be dispensed with in order that the Convention may be a direct treaty concluded between Canada and the United States. I do not know if there is any precedent for this. Two treaties, trade agreements with France, were signed by Fielding in Paris in 1907 and 1908, but Bertie, who was at that time His Majesty's Ambassador to France, also signed both treaties.—BYNG.

4325

No. 440.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24th January, 1923.)

[Answered by No. 441.]

SIR,

Foreign Office, S.W.1., 24th January, 1923.

WITH reference to my letter of 10th January,† regarding the proposed Convention between the United States and Great Britain for the regulation of the Pacific Halibut Fishery, I am directed by the Secretary of State for Foreign Affairs to transmit to you herewith, for the information of the Secretary of State for the Colonies, copy of a telegram from His Majesty's Ambassador at Washington, No. 33 of 22nd January.

2. Subject to the concurrence of the Duke of Devonshire, the Secretary of State would propose to reply to Sir Auckland Geddes that the difficulty referred to in the first [?fourth] paragraph of his telegram should be met by omitting any title whatsoever from the Convention. This would seem to be in accordance with the analogy afforded by the commercial Convention signed in London on the 4th instant by the Secretary of State, certain Canadian Ministers and the Italian Chargé d'Affaires.

3. I am to ask that His Grace's opinion on this point, together with any more general observations which he may wish to offer on the proposed Convention, should be communicated at as early a date as possible in order to allow of a telegraphic reply being sent to His Majesty's Ambassador at Washington.

I am, &c.,

R. SPERLING.

Enclosure in No. 440.

TELEGRAM NO. 33, FROM SIR A. GEDDES (WASHINGTON).

(Extract.)

Halibut Fisheries Convention.

GOVERNMENT of Canada has now stated that it is prepared to agree to American draft of above Convention provided certain alterations are made therein.

Another suggested alteration is that the words "Dominion of Canada" should appear in the title in lieu of the words "Great Britain."

I should be glad to receive telegraphic instructions as to whether I am to submit this last-mentioned proposal to United States Government. It seems to me to be in the nature of an innovation.

Other alterations proposed are of minor importance only.

* No. 438.

† 2175: not printed; it enclosed a copy of a despatch from His Majesty's Ambassador at Washington enclosing the draft Convention.

352

3157

No. 441.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 442.]

SIR, Downing Street, 30th January, 1923.
I AM directed by the Duke of Devonshire to acknowledge the receipt of your letter of the 24th January,* regarding the proposed Convention with the United States for the regulation of the Pacific Halibut Fishery, and to transmit to you, to be laid before the Secretary of State for Foreign Affairs, a copy of a telegram† on the subject from the Governor-General of Canada. The Secretary of State would be glad if steps could be taken for the issue of the necessary full power to Mr. Lapointe, as desired by the Government of Canada.

2. As regards the title of the Convention, I am to invite reference to the recent Commercial Convention between Canada and France, the title of which is "Convention of Commerce between Canada and France": vide Foreign Office letter of the 21st December, 1922,‡ and connected correspondence. I am also to invite reference to [Cmd. 1514] (Treaty Series No. 16, of 1921), which is headed "Trade Agreement between France and Canada." In view of these precedents, the Secretary of State considers that it would be difficult to question the heading proposed by the Government of Canada.

3. The Duke of Devonshire has no observations to offer on the proposed Convention, as amended by the Government of Canada, and it is presumed from the third paragraph of your letter that the Secretary of State for Foreign Affairs also has no observations to make.

I am, &c.,
C. T. DAVIS.

7583

No. 442.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 12th February, 1923.)

(Confidential.)

SIR, Foreign Office, 10th February, 1923.
WITH reference to your letters of the 30th ultimo§ and of the 7th instant|| I am directed by the Secretary of State for Foreign Affairs to state that His Lordship concurs in the amendments numbered 2, 3 and 4 to the Halibut Fishery Convention, proposed in the minute of the Canadian Privy Council dated the 11th ultimo.¶ As regards amendment numbered 1, however, neither the present wording of the title, nor of the preamble** of the Convention, nor that proposed by the Canadian Government is correct. The Convention is not between Canada, or any other part of the Empire, and the United States, but between the King and the United States of America. This should be expressed in the preamble in the usual form "The United States of America, and His Majesty The King of the United Kingdom, . . . etc."

2. A title is indeed superfluous, seeing that the object of the Convention is clearly set out in the preamble, and, as it in no way forms an integral part of the Convention, it may be omitted altogether. It is, however, noted that erroneous titles were given to the agreements with France mentioned in your letter of 30th January, and the present Convention when published in the treaty series could be called "Convention with the United States for the Regulation of the Halibut Fishery on the Pacific coasts of Canada and the United States."

3. As regards signature, His Majesty's Ambassador at Washington, who conducted the final negotiations with the United States Government, will be instructed to sign first in accordance with the usual practice (see, e.g., the Sockeye Salmon Fishery Treaty of 1919, and the Canadian-French and Canadian-Italian commercial agreements of 1922). Mr. Lapointe should be associated with His Excellency as signatory on behalf of the Dominion of Canada.

4. Full powers for Mr. Lapointe are enclosed herewith.

I am, &c.,
R. SPERLING.

* No. 440. † No. 438. ‡ 63074: not printed; it enclosed a copy of the Convention.
§ No. 441. || 6342: not printed; reminder. ¶ Not printed; it was the Privy Council Minute on which No. 438 was based. ** The preamble in the original draft read "The U.S.A. and H.M. George V. of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King . . ."

8299

No. 443.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 16th February, 1923.)

(Confidential.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copies of a telegram to His Majesty's Ambassador at Washington, on the subject of the proposed Convention between Canada and the United States for the regulation of the Pacific Halibut Fishery.

Foreign Office,

14th February, 1923.

Reference to previous correspondence: Foreign Office letter of 10th February.*

Enclosure in No. 443.

TELEGRAM NO. 61 TO SIR A. GEDDES (WASHINGTON), DATED 10TH FEBRUARY, 1923.

Method of signature of Halibut Fishery Convention.

As the preamble to the Convention unequivocally states the intention thereof, no title should be shown upon the Convention when same is signed.

Foreign Office will subsequently allocate a title so that the Convention can readily be recognized in the treaty series.

In accordance with usage, you, in your capacity of Representative of His Majesty, should append your signature first, because the parties to this Convention are the United States of America and His Majesty, and not the United States of America and the Government of Canada or any other Government bearing allegiance to His Majesty. This point has been explained to Colonial Office, but there is no objection to Canadian Minister joining with you and appending his signature immediately after your own.

Above refers to your telegram No. 43.

7583

No. 444.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.10 p.m., 15th February, 1923.)

TELEGRAM.

[Answered by No. 446.]

15TH FEBRUARY. Secret. Your telegram 16th January,† your despatch 24th January, Secret.‡ Full powers for Lapointe sent by mail 13th February. As regards text of draft Treaty, Secretary of State for Foreign Affairs suggests following modifications. (1) Title of Treaty to be "Convention for the Regulation of the Halibut Fishery on the Pacific Coasts of Canada and the United States." (2) In accordance with usual Treaty practice title of His Majesty in preamble to read "His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India." Do your Ministers see any objection?—DEVONSHIRE.

7583

No. 445.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12 noon, 16th February, 1923.)

TELEGRAM.

[Answered by No. 447.]

16TH FEBRUARY. Private and Personal. Your telegram 16th January.§ As to full powers for Lapointe, see my official telegram of yesterday.|| As regards procedure, I notice that Sockeye Salmon Fisheries Convention 1919, and Salmon Fisheries Convention 1920, were signed by Chargé d'Affaires, and Ambassador,

* No. 442. † No. 438. ‡ 6342: not printed; it enclosed the P.C. Minute on which No. 438 was based. § No. 439. || No. 444.

Washington, respectively in conjunction with Hazen, and similarly, in case of recently negotiated Commercial Conventions with France and Italy, Ambassador at Paris in one case, and Secretary of State for Foreign Affairs in other were associated with Fielding in signature. I find that Secretary of State for Foreign Affairs would much prefer similar procedure in present case, but, in view of your telegram 16th January, I am uncertain whether Canadian Government intended, and, if so, would attach importance to signature by Lapointe only. What is position.—DEVONSHIRE.

8751

No. 446.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.30 p.m., 17th February, 1923.)

TELEGRAM.

17TH FEBRUARY. Halibut Convention. Modifications suggested in your telegram of 15th February* concurred in by Canadian Government.—BYNG.

9411

No. 447.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.45 a.m., 21st February, 1923.)

TELEGRAM.

(Paraphrase.)

20TH FEBRUARY. Private and Personal. Your telegram, Private and Personal, of 16th February,† regarding the Pacific Halibut Treaty. My Prime Minister is most anxious that the Treaty should be signed by Mr. Lapointe alone. He has told me privately that great importance is attached by him to this because, in a purely Canadian matter in connexion with the United States, he would like to be able to say that full powers had been given by His Majesty the King to a Canadian Minister to sign on behalf of Canada. He intimated also that by this his position would be made much easier as regards the proposal to appoint a Canadian Plenipotentiary at Washington, though he did not say that the matter would be dropped; but it is evidently in his mind that need for this appointment would disappear if Ministers could go to Washington and negotiate and sign any necessary Conventions or Treaties that were purely Canadian.

I am informing His Majesty's Ambassador at Washington, that my Prime Minister would like the Treaty to be signed by Mr. Lapointe alone.—BYNG.

9634

No. 448.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 23rd February, 1923.)

(Confidential.)

SIR, Foreign Office, S.W.1., 22nd February, 1923.
WITH reference to your letter of the 20th instant,‡ enclosing copy of a telegram dated 17th February§ from His Excellency the Governor-General of Canada, expressing the concurrence of his Ministers in the modifications in the draft Convention for the regulation of the Halibut Fishery on the Pacific Coasts of Canada and the United States, proposed in the Colonial Office Secret telegram of 15th February,|| I am directed by the Secretary of State for Foreign Affairs to state that he assumes that the Canadian Government realize that the title "Convention for the regulation of the Halibut Fishery on the Pacific Coasts of

* No. 444. † No. 445. ‡ L.F., not printed. § No. 446. || No. 444.

Canada and the United States" is intended, as stated in the letter from this Department of 10th February,* to be used only in connexion with the reproduction of the Convention (e.g., in the Treaty series in Great Britain), and not for insertion in the original copy to be signed by His Majesty's Representatives and by the Representatives of the United States, as it is not in accordance with the usual practice that signature copies of treaties should have any title at all.

2. I am to add that the Secretary of State earnestly hopes that the Canadian Government will not avail themselves of the opportunity, offered by the private and personal telegram addressed by the Duke of Devonshire to Lord Byng on the 16th instant,† to raise any objection to the proposal to associate His Majesty's Ambassador with the Canadian Minister in the signature of the Convention. The Secretary of State considers it essential that, in this respect also, the procedure laid down in my letter of 10th February should be strictly adhered to.

I am, &c.,

R. SPERLING.

Note.—No official reply was returned to this letter, as the matter was discussed personally between the Secretary of State for the Colonies and the Secretary of State for Foreign Affairs.

10738

No. 449.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.27 a.m., 1st March, 1923.)

TELEGRAM.

[Answered by No. 451.]

(Paraphrase.)

28TH FEBRUARY. Secret. Following is sent at the request of my Prime Minister:—

Begins.—Halibut Treaty. Full powers for Mr. Lapointe have been received. He is now on his way to Washington.

My Ministers consider that, as respects Canada, it would be sufficient if the Treaty is signed by Mr. Lapointe alone. In asking for full powers for Mr. Lapointe they proceeded on this assumption. Having so informed His Majesty's Ambassador at Washington, it was with some surprise that we received information from him to the effect that His Majesty's Government had instructed him to sign the Treaty in association with Mr. Lapointe. It has evidently been assumed by His Majesty's Government that such was the wish of the Canadian Government. My Ministers' view, however, is that, as the Treaty is one of concern solely for Canada and the United States and does not affect in any particular any Imperial interests, signature of Canadian Minister should be sufficient, and they respectfully request that instructions be sent to His Majesty's Ambassador at Washington accordingly.

The Government of the United States have expressed a desire that the Treaty should be signed on the afternoon of Thursday, 1st March, in order that ratification may be obtained before the Senate rises on 4th March, and it is therefore most important that instructions should be cabled to Washington with least possible delay. Ambassador has been informed of the above request.

Please inform me as soon as possible after this message is received of action His Majesty's Government propose to take.—Ends.

Private and Personal. No answer to my private and personal telegram to you of 20th February‡ has yet been received by me.—BYNG.

* No. 442. † No. 445. ‡ No. 447.

11044

No. 450.

FOREIGN OFFICE to SIR A. GEDDES (WASHINGTON).

(Sent 1.10 p.m., 1st March, 1923.)

TELEGRAM.

[Answered by No. 454.]

No. 86. Private and Confidential. The Prime Minister of Canada is most anxious that the recently negotiated Pacific Halibut Fishery Treaty should be signed by Lapointe alone under the King's full powers. He attached great importance to a treaty of this kind governing an essentially Canadian matter being signed by a Canadian Minister figuring as the King's Representative. At the same time he hints that, if this concession to Canadian sentiment were made, his hands would be strengthened in resisting or at least combating the proposal to appoint at Washington a permanent separate Canadian plenipotentiary. Without in any way abandoning the general principle that British treaties with the United States must be signed by plenipotentiary representing the King as Sovereign of the whole British Empire, and without derogating from your supreme authority as general and permanent King's plenipotentiary at Washington, we are disposed in this particular instance to make the concession desired if this will assist in overcoming the grave difficulties involved in the proposal for separate Canadian representation at Washington which you agree with us in desiring to escape. In the circumstances, do you agree to letting Lapointe sign alone?

10738

No. 451.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.40 p.m., 1st March, 1923.)

TELEGRAM.

[Answered by No. 453.]

(Paraphrase.)

YOUR telegram of 28th February,* regarding Halibut Treaty. Wishes of your Ministers are being telegraphed by Secretary of State for Foreign Affairs to His Majesty's Ambassador at Washington.

Private and Personal. I was obliged to hold over reply to your telegram of 20th February† until I had opportunity of discussing it with Lord Curzon personally. Message which he is sending to Washington to-day‡ is not in nature of definite instruction to Ambassador not to sign because, as you will realize, he might possibly feel difficulty on account of his own position. I think, however, that result should be that Lapointe will sign alone. I should be glad if you would explain privately to Mr. Mackenzie King.—DEVONSHIRE.

11044

No. 452.

FOREIGN OFFICE to SIR A. GEDDES (WASHINGTON).

(Sent 1.40 p.m., 1st March, 1923.)

TELEGRAM.

[Answered by No. 454.]

No. 87. A telegram* just received from Government of Canada states that question of signature of Halibut Fishery Treaty is one of great urgency, as United States Government have expressed a desire that, in order that ratification may be obtained before Senate rises on 4th March, signature should take place this afternoon.

In these circumstances, I shall be glad if, assuming you agree, as I hope you do, you will inform Lapointe, who is reaching Washington to-day, that he may sign as sole British plenipotentiary.

Above refers to my telegram No. 86§ of this morning.

* No. 449.

† No. 447.

‡ No. 452.

§ No. 450.

10882

No. 453.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.30 p.m., 1st March, 1923.)

TELEGRAM.

1ST MARCH. Secret. Following from my Prime Minister:—

Begins.—On behalf of my colleagues and myself, I desire to thank Your Grace and Secretary of State for Foreign Affairs for so promptly communicating to His Majesty's Ambassador at Washington wishes of Canadian Government with respect to signing to-day at Washington of proposed Halibut Treaty.—Ends.

—BYNG.

12272

No. 454.

SIR A. GEDDES (WASHINGTON), to FOREIGN OFFICE.

(Received 8.30 a.m., 3rd March, 1923.)

TELEGRAM.

(Paraphrase.)

2ND MARCH. Private and Confidential. Mr. Lapointe signed the Treaty this afternoon as sole British plenipotentiary. Delay was due to the necessity of preparing new copies for signature. It is still hoped to secure ratification of Senate.

I fear that this arrangement has created an unfortunate precedent, and I am doubtful whether the concession made will have any permanent influence on the Canadian Government as regards separate representation at Washington. The matter was, however, an urgent one, and in view of your telegrams Nos. 86 and 87,* I felt it best not to urge, in advance of signature, any modification of His Majesty's Government's view.

11898

No. 455.

HOUSE OF COMMONS.

8th March, 1923.

FISHERY TREATY, CANADA AND UNITED STATES.

MR. HURD asked the Prime Minister what correspondence passed between the British and Canadian Governments prior to the conclusion of the Fishery Treaty between Canada and the United States at Washington last week; whether this is the first occasion on which a British Treaty with a Foreign Power has not borne the signature of a representative of the British Executive; and whether, in signing the Treaty, the Canadian Minister did so as the representative of His Majesty?

The Prime Minister: As regards the first part of the question, it does not appear necessary to lay any correspondence. As regards the second part, the Plenipotentiary who signs a Treaty does so on behalf of the King by whom his full powers are issued, and the Canadian Minister acted in that capacity on the present occasion.

11898

No. 456.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 131.)

MY LORD,

Downing Street, 15th March, 1923.

WITH reference to previous correspondence, I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a Question and Answer† in the House of Commons regarding the Convention for the Regulation of the Pacific Halibut Fishery.

I have, &c.,

DEVONSHIRE.

* Nos. 450 and 452.

† No. 455.

13445

No. 457.
CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 141.)

MY LORD,

Downing Street, 24th March, 1923.

WITH reference to my despatch No. 131 of the 15th March,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of further Questions and Answers in the House of Commons, regarding the Convention for the Regulation of the Pacific Halibut Fishery.

I have, &c.,
DEVONSHIRE.

Enclosure 1 in No. 457.

HOUSE OF COMMONS.

19th March, 1923.

CANADA AND UNITED STATES (TREATY).

MR. HURD asked the Prime Minister whether it was on the advice of His Majesty's Ministers in the United Kingdom, or His Majesty's Ministers in the Dominion of Canada, that the Canadian Minister Plenipotentiary alone was authorized to sign the recent Treaty with the United States on behalf of the King; and when he will lay upon the Table the correspondence leading up to this development in the constitutional practice of the British Empire?

The Prime Minister: The arrangement made was the result of agreement between the two Governments. I am considering the question of laying correspondence.

Enclosure 2 in No. 457.

HOUSE OF COMMONS.

21st March, 1923.

CANADA AND UNITED STATES (FISHERIES TREATY).

MAJOR VISCOUNT SANDON asked the Prime Minister if he can make any statement as to the discrepancy which has been revealed between the instructions given by the Foreign Office to the British Ambassador at Washington, and the attitude of the Canadian Government on the subject of the signing of the Fisheries Treaty with the United States of America; and whether the consideration of this issue of principle will be put down on the agenda of the coming Imperial Conference?

The Prime Minister: I have nothing to add to the answer which I returned to my honourable friend the member for Frome on the 19th March. I can make no statement in regard to the last part of the question.

15576

No. 458.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 147.)

MY LORD,

Downing Street, 3rd April, 1923.

WITH reference to my despatch No. 141 of the 24th of March,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a further Question and Answer in the House of Commons, regarding the Convention for the Regulation of the Pacific Halibut Fishery.

I have, &c.,
DEVONSHIRE.

* No. 456.

† No. 457.

Enclosure in No. 458.

HOUSE OF COMMONS.

28th March, 1923.

CANADA AND UNITED STATES (FISHERY TREATY).

SIR ROBERT HAMILTON asked the Under-Secretary of State for Foreign Affairs whether Canada has entered into a Fishery Treaty with the United States of America; whether Great Britain is a signatory to such Treaty; and whether it has been ratified by the United States?

MR. McNEILL: The Treaty is between the King and the United States, and was signed under full powers given by His Majesty. It has not yet been ratified by the United States.

Note.—The Treaty was submitted for approval to the United States Senate, which on the 4th March gave its consent to ratification subject to the understanding, which was made a part of its resolution of ratification, that none of the nationals and inhabitants and vessels and boats of any other part of Great Britain should engage in halibut fishery contrary to any of the provisions of the Treaty. The United States Secretary of State explained to His Majesty's Ambassador that the expression "Great Britain" was intended to mean "the British Empire." The following correspondence took place with regard to this reservation.

32564

No. 459.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 30th June, 1923.)

[Answered by No. 460.]

SIR,

Foreign Office, S.W.1, 29th June, 1923.

WITH reference to the letter from this Department of 14th May last,* I am directed by the Marquess Curzon of Kedleston to transmit to you herewith copies of two telegrams from His Majesty's Chargé d'Affaires at Washington regarding proposed legislation in the Canadian Parliament to give effect to the Pacific Halibut Fishery Convention signed at Washington on 2nd March last.

2. As the Secretary of State for the Colonies will observe, the Canadian Government have requested Mr. Chilton to express to the United States Government the hope that they will re-submit the Convention to the Senate with a view to securing its ratification without the rider added by the Senate, and Mr. Chilton feels some doubt as to the advisability of acting on this request (1) because the constitutional points involved are still unsettled; (2) because it might lead to an undesirable debate in the United States Senate.

3. As Congress will not meet again until next December, the various questions arising out of the conclusion of this Convention will have been considered by the Imperial Conference before a debate in Congress can take place, and the Secretary of State proposes, therefore, subject to the Duke of Devonshire's concurrence, to instruct Mr. Chilton to act as desired by the Canadian Government.

I am, &c.,

G. R. WARNER.

Enclosure 1 in No. 459.

TELEGRAM FROM MR. CHILTON (WASHINGTON).

(Received 8.30 a.m., 28th June, 1923.)

(No. 290 (R).)

27TH JUNE. Following telegram received from Canada, No. 28, 26th June:—
Begins: It is intention of my Government to submit the Halibut Treaty as signed on 2nd March to Parliament of Canada for approval before close of session. It is also proposed to ask Parliament to enact legislation contemplated under

* 24673: not printed; it enclosed a copy of a despatch from His Majesty's Chargé d'Affaires at Washington forwarding prints of the Treaty.

Article 4 of Treaty also providing that ports and territorial waters of Canada shall be closed to fishermen's vessels and boats of all nations for purpose of fishing for halibut during Closed Season prescribed by Treaty in waters designed to be protected.

In view of importance to Canada and United States of provisions of Treaty becoming effective at earliest possible date it is hoped that United States Government will re-submit Treaty to Senate with a view to securing approval of same (group omitted) it was signed. It is understood that Congress does not meet until November, but Government will be grateful if Your Excellency will inform United States Government in the sense of foregoing in order that desired object may be attained with all convenient speed.

Private and Personal.

You will understand that in the event of Senate refusing to reconsider their rider to Treaty, legislation and regulations which are to be passed by Canadian Parliament will not be put into effect.

Enclosure 2 in No. 459.

TELEGRAM FROM MR. CHILTON TO LORD CURZON.

(Received 8.20 a.m., 28th June, 1923.)

Washington, 27th June, 1923.

Halibut Treaty.

THE words "Great Britain" do not appear in the Convention as signed except in the preamble where they occur as part of His Majesty the King's title. On the other hand, they are to be found in the letters (see my despatch of 18th April) in which the Convention was transmitted to the Senate.

I am in doubt as to whether you concur in the view held by the Government of Canada, namely, that the convention is only between Canada and the United States.

If you concur in that view, it might still be possible for us to ask for the cancellation of the Senate resolution as the Government of Canada suggest, on the ground that it arose from a misunderstanding, and that in fact the Treaty only applies to Canada and the United States.

There is, however, always a possibility that it might meet with a refusal, and furthermore an undesirable debate might thus be occasioned in the Senate (see my despatch of 28th March, paragraphs 3 and 4). I am not myself very hopeful as to the prospect of obtaining the desired modification, but, if you think it wise, I will ask Mr. Hughes personally, putting the idea as a possibility which I myself have thought of, whether he thinks it practicable to obtain cancellation and whether his Government would be prepared to accede to a request for re-submission to the Senate.

I should be grateful for immediate and definite instructions, since I ought either to take the desired action or at least send a reply to the Governor-General before the end of the session of the Canadian Parliament, which is, I understand, fixed for 30th June or thereabouts.

32564

No. 460.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 462.]

SIR,

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letter of the 29th June,* regarding the Pacific Halibut Fishery Convention of the 2nd March, and to request you to inform the Marquess Curzon of Kedleston that he concurs in the proposal that His Majesty's Chargé d'Affaires at Washington should be instructed to act in the manner desired by the Canadian Government.

* No. 459.

2. The request of the Canadian Government would appear to be justified by the terms of the Report of the Canadian-American Fisheries Conference of 1918, which formed the starting point of the negotiations leading up to the Convention. It will be observed that on page 25 of the Report, of which a copy was enclosed in the letter from this Department of the 27th May, 1919,* it was stated that the Pacific halibut fishery "has not been participated in by any other countries than the United States and Canada, and, in view of the great distance of the Asiatic coasts, there seems no reason to anticipate that the fishery will be prosecuted from the ports of that coast, so that an arrangement between the United States and Canada is all that is now needed."

3. It is not clear precisely how far the rider of the United States Senate is intended to extend. It purports merely to prohibit from engaging in the halibut fishery contrary to the Treaty "the nationals and inhabitants and vessels and boats of any other part of Great Britain" and does not refer to the seizure of such inhabitants or vessels on the high seas. From the terms of the Report of the 1918 Fisheries Conference quoted above, it would appear possible, in fact, to deny participation in the fishery merely by prohibiting the use of Canadian and United States ports for the purpose.

I am, &c.,

C. T. DAVIS.

43202

No. 461.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9th July, 1923.)

(Secret.)

MY LORD DUKE,

Government House, Ottawa, 26th June, 1923.

I HAVE the honour to transmit herewith, for Your Grace's information, a copy of a letter from the Department of the Secretary of State for External Affairs on the subject of the Halibut Treaty. I have to-day telegraphed† to His Majesty's Ambassador at Washington in the sense indicated in this letter.

Your Grace will understand that, while this Treaty is being submitted for approval to the Canadian Parliament, and while legislation is to be enacted and regulations formulated thereunder, such legislation is not to take effect unless, or until, the United States Senate approves of the Treaty as it was signed, and withdraws the rider they attached to it.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 461.

FROM DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 26th June, 1923.

I HAVE the honour to represent that the Halibut Treaty, signed on behalf of Canada by the Minister of Marine and Fisheries, and on behalf of the United States Government by the Secretary of State, on the 2nd of March, 1923, is about to be submitted to the Parliament of Canada for approval. It is also proposed to ask Parliament to enact the legislation contemplated by Article IV of the Treaty and also providing that the ports and territorial waters of Canada shall be closed to the fishermen, vessels and boats of all nations for the purpose of fishing for halibut during the closed season prescribed by the Treaty, in the waters designed to be protected.

In view of the importance both to Canada and to the United States of the provisions of this Treaty becoming effective at the earliest possible date, it is hoped that the United States Government will, as soon after the opening of the next session of Congress as possible, re-submit the Treaty to the Senate with a view to securing approval of the same as it has been signed.

* 30523/19: not printed; it enclosed copies of the Report referred to. † See enclosure 1 in No. 459.

I am to request that His Excellency the Governor-General may be humbly moved so to inform the United States Government, by telegraph, in the sense of the foregoing, and to ask they be good enough to cause the necessary steps to be taken with that object in view with all convenient speed.

I have, &c.,

JOSEPH POPP,

Under-Secretary of State for External Affairs.

34732

No. 462.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 11th July, 1923.)

[Answered by No. 463.]

SIR,

Foreign Office, S.W.1., 11th July, 1923.

I AM directed by the Secretary of State for Foreign Affairs to acknowledge the receipt of your letter of the 6th instant,* in which the Secretary of State for the Colonies concurs in the proposal, contained in the letter from this Department of 29th June,† that His Majesty's Chargé d'Affaires at Washington should be instructed to make a communication to the United States Government on the subject of the Pacific Halibut Treaty in accordance with the request advanced by the Government of Canada in the Governor-General's telegram No. 28 of 26th June,‡ to Mr. Chilton.

2. On reconsideration of the points at issue, and having due regard to the objections to the proposed procedure raised by Mr. Chilton in paragraph 4 of the paraphrase of his telegram of 27th June,§ a copy of which was communicated to the Colonial Office in the letter from this Department of the 29th ultimo,¶ the Secretary of State is inclined to consider that Mr. Chilton should be instructed to take no action in the matter at the present time, seeing that Congress will not meet again until after the discussions on the treaty-making power of the Dominions at the forthcoming Imperial Conference.

I am, &c.,

G. R. WARNER.

34732

No. 463.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 464.]

SIR,

Downing Street, 31st July, 1923.

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letter of the 11th July|| relative to the rider attached by the United States Senate to its assent to the ratification of the Pacific Halibut Fishery Treaty, and to transmit to you, to be laid before the Marquess Curzon of Kedleston, copies of the debates¶ on the Treaty in the Canadian Parliament, in the course of which this rider was discussed. A copy of the Bill passed on the subject of the Treaty is also enclosed.**

2. It will be observed that in the course of the debate in the House of Commons Mr. Mackenzie King stated, with reference to the rider of the United States Senate, "We feel satisfied that under these circumstances the reservation will be withdrawn and the Treaty assented to and ratified as it stood at the time it was signed" (page 4610), and again "We have submitted the Treaty for approval because we have reasonable expectation that the Senate of the United States will withdraw that reservation at the next session of Congress" (page 4615).

3. In view of these definite statements, His Grace feels that a very embarrassing position would be created if His Majesty's Government were to decline to authorize His Majesty's Chargé d'Affaires at Washington to act in accordance with the request of the Canadian Government until after the Imperial Conference. The question proposed by His Majesty's Government for discussion at the Conference is

* No. 460. † No. 459. ‡ See enclosure 1 in No. 459. § Enclosure 2 in No. 459. || No. 462.

¶ Not reprinted (see Canadian House of Commons Debates, Vol. LVIII, No. 95 of 27th June, and Senate Debates, Vol. LVIII, No. 61 of 28th June). ** For the Act as passed, see Chapter 61. of 1923.

"The position of the Dominions and India in relation to the signature of Treaties." It is gathered from your letter that Lord Curzon expects this discussion to develop into a discussion of the general question of the treaty-making power of the Dominions. It may, however, be observed that this general question does not arise in connexion with the Pacific Halibut Fishery Treaty, since it was negotiated through His Majesty's Embassy at Washington with the full knowledge and approval of His Majesty's Government, and was signed by a plenipotentiary duly appointed by the King. The action desired by the Canadian Government is merely designed to restore the Treaty to the form in which it was approved by His Majesty's Government. Further, there appears to be definite advantage in taking the action desired by the Canadian Government, in order to determine whether or not the Treaty will have to be considered on the basis that the rider is to stand.

4. In the circumstances the Secretary of State hopes that Lord Curzon will, on reconsideration, be prepared to authorize Mr. Chilton to act in the manner desired by the Canadian Government.

I am, &c.,

C. T. DAVIS

40933

No. 464.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 17th August, 1923.)

SIR,

Foreign Office, S.W.1., 15th August, 1923.

I AM directed by the Secretary of State for Foreign Affairs to acknowledge receipt of your letter of the 31st ultimo* respecting the rider attached by the United States Senate to its ratification of the Pacific Halibut Fishery Treaty.

2. Copies of the bill and of the proceedings in the Canadian Parliament had already been received from His Majesty's Chargé d'Affaires at Washington prior to the date of the letter from this Department of the 11th ultimo.† Consequently, there appear to be no new facts calling for any reconsideration of the view expressed in that letter.

3. As regards paragraph 3 of your letter,* it is certainly the understanding of the Secretary of State that the treaty-making power of the Dominions will be discussed and defined at the forthcoming Imperial Conference, and his object in suggesting such a discussion was, precisely, to avoid the recurrence of incidents such as those which attended the signature of the Halibut Treaty.

I am, &c.,

R. SPERLING.

43104

No. 465.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 30th August, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of telegraphic correspondence with His Majesty's Representative at Washington, on the subject of the Pacific Halibut Fishery Treaty. Foreign Office,

29th August, 1923.

Reference to previous correspondence: Colonial Office letter of 12th July.‡

Enclosure 1 in No. 465.

TELEGRAM FROM MR. CHILTON (WASHINGTON).

(Received 8.30 a.m., 22nd August, 1923.)

(No. 364. (R).)

21ST AUGUST. My telegrams Nos. 290 and 291. Governor-General of Canada, in sending me copy of Act passed under Article 4 of Halibut Treaty, points out that, unless Treaty is re-submitted to United States Senate for approval "as it was signed, and is so ratified" before middle of November, Close Season cannot become effective this year.

* No. 463.

† No. 462.

‡ 34202: not printed; it enclosed copy of No. 461.

Governor-General emphasizes importance of full protection of fish being carried out as soon as possible, and asked me to ascertain from United States Government whether they can put Treaty into effect this year, and, if not, whether they agree to simultaneous public announcement by both Governments on same date that Close Season will not be effective in 1923-1924 season.

Enclosure 2 in No. 465.

TELEGRAM FROM MR. CHILTON to LORD CURZON.

Washington, 21st August, 1923.

Halibut Fishery Treaty.

It would appear that, in view of the last sentence of the telegram from the Governor-General of Canada, repeated in my telegram No. 290,* of 27th June, the words quoted in my telegram of even date imply that the Canadian Government are again insisting that the Senate resolution must be modified. I should be glad if I might receive instructions as soon as possible as to what action I should take. Not having received any reply to my telegram of 27th June, I have not raised the matter with the United States Government, as I am not aware of the attitude of His Majesty's Government.

Enclosure 3 in No. 465.

TELEGRAM FROM LORD CURZON to MR. CHILTON.

Foreign Office, 25th August, 1923.

Halibut Treaty.

It was assumed that Congress would not meet again until December and that, therefore, no modification of the Senate's ratification could be secured before the middle of November.

Meanwhile, the Imperial Conference will consider the question of the treaty-making power of the Dominions, and we do not wish any action which may be taken in regard to the Halibut Treaty to prejudice the decision of the Conference.

This is the chief reason why you were not instructed to make any representations to the United States Government in the terms desired by the Canadian Government.

An inquiry in the sense of the last paragraph of your telegram of 21st August, may, however, be made.

45288

No. 466.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 12th September, 1923.)

SIR,

Foreign Office, S.W.1, 3rd September, 1923.

I AM directed by the Marquess Curzon of Kedleston to refer to my letter of 15th August,† and to transmit herewith copies in paraphrase of telegraphic correspondence‡ with His Majesty's Chargé d'Affaires at Washington, concerning the Pacific Halibut Fisheries Treaty. A draft of the proposed reply§ to Mr. Chilton's telegram 372 is enclosed for the concurrence of the Secretary of State for the Colonies.

2. In view of the last paragraph of Mr. Chilton's telegram No. 372, I am to suggest that the Secretary of State for the Colonies should cause the Canadian Government to be sent urgently such explanation as His Grace may deem convenient at this stage of the reasons for which Mr. Chilton has not been instructed to comply with their request to make representations to the United States Government, with a view to the cancellation of the United States Senate's rider to the Treaty.

I am, &c.,

R. SPERLING.

* Enclosure 1 in No. 459. † No. 464. ‡ First telegram only printed. § Not printed: see enclosure in No. 467 for telegram finally sent.

Enclosure 1 in No. 466.

TELEGRAM FROM MR. CHILTON (WASHINGTON) to LORD CURZON, 27TH AUGUST, 1923.
(No. 372.)

Halibut Treaty.

I LEARN that Mr. Hughes will visit Montreal for the meeting of the Canadian Bar Association on the 4th September, and I think it is quite likely that he may be approached by the Canadian authorities on the subject of the Treaty. The matter has, therefore, become one of urgency.

It appears that unless the Senate resolution is cancelled it is impossible for the Canadian Government to execute the Treaty, and, therefore, it would be misleading only to ask the United States Government whether they can put the Treaty into force this year, unless, at the same time, I asked that the Senate resolution may be reconsidered and cancelled. Moreover, I assume that I cannot make such a request without giving reasons for so doing, namely, that, since the Treaty applies only to Canada and the United States, it is obvious that the Senate resolution was passed under a misapprehension.

I should be grateful if I might receive instructions by telegraph, because I hesitate to take action in the sense suggested in the preceding paragraph without Your Lordship's sanction in view of the penultimate paragraph of your telegram of 25th August, 1923.*

Note.—The matter was discussed verbally with the Foreign Office, and the terms of a telegram to be sent to His Majesty's Chargé d'Affaires were agreed upon. (See enclosure in No. 467). No reply was therefore sent to the Foreign Office letters of the 15th August and the 3rd September.

44440

No. 467.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 8th September, 1923.)

SIR,

Foreign Office, S.W.1, 5th September, 1923.

WITH reference to my letter of the 3rd instant,† I am directed by the Secretary of State for Foreign Affairs to transmit to you herewith paraphrase of a telegram to His Majesty's Chargé d'Affaires at Washington, respecting the Halibut Treaty, as agreed upon semi-officially with your Department on the 4th instant.

I am, &c.,

R. SPERLING.

Enclosure in No. 467.

TELEGRAM FROM LORD CURZON to MR. CHILTON (WASHINGTON), 4TH SEPTEMBER, 1923.

Halibut Treaty.

It appears unlikely that it will be possible to introduce the Close Season this year seeing that the Canadian Government state that, unless the Treaty is re-submitted to the United States Senate for approval, as it was signed, and unless it is ratified in this way before the middle of November, it will be impossible to make the Close Season effective this year, and I gather that (a) the rider cannot be withdrawn unless the Senate gives its explicit consent, and (b) that that body does not meet until December.

2. It would, therefore, appear to be undesirable to make representations to the United States Government in the exact sense which the Canadian Government wished, but you should ask whether there is any likelihood that the United States Senate would consent to the withdrawal of the rider, adding that the Canadian Government would be glad to know whether the United States Government would be prepared to make a simultaneous public announcement, as suggested in your telegram of 21st August,‡ if it is impossible to put the Treaty into effect this year. Please inform the Canadian Government.

* Enclosure 3 in No. 465.

† No. 466.

‡ Enclosure 1 in No. 465.

46363

No. 468.

FOREIGN OFFICE to COLONIAL OFFICE

(Received 20th September, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of a despatch from His Majesty's Chargé d'Affaires at Washington on the subject of the Pacific Halibut Fishery Convention between Canada and the United States.

Foreign Office,
19th September, 1923.

Reference to previous correspondence: Foreign Office letter of 5th September.*

Enclosure in No. 468.

(No. 1106.)

SIR, British Embassy, Washington, 6th September, 1923.
I HAVE the honour to transmit to you herewith, copies of a despatch to the Department of State, Washington, on the subject of the difficulty respecting the enforcement of the Act passed by the Canadian Parliament in execution of the Northern Pacific Halibut Fishery Convention.

I have, &c.,
H. G. CHILTON.

His Majesty's Principal Secretary of State for Foreign Affairs,
Foreign Office, London.

Reference: Foreign Office telegram No. 278, of 4th September, 1923.

(No. 764.)

SIR, British Embassy, Washington, D.C., 6th September, 1923.
WITH reference to my Note No. 618 of 27th July last, relative to the Northern Pacific Halibut Fishery Convention, I have the honour to inform you that, in view of the terms of the Resolution passed by the Senate at the time of the ratification of this Convention, the Government of Canada find it difficult to put into force the Act recently passed by the Canadian Parliament in execution of the Convention.

In these circumstances, and under instructions from my Government, I have the honour to ask you to be so good as to inform me whether there is any prospect of the United States Senate, when it reassembles in December, being willing to withdraw the Resolution attached to the ratification, and to ratify the Convention in the form in which it was signed.

I understand from the Dominion Government that, unless such ratification could be obtained before the middle of November, it would be impossible for the Close Season provided for by the Convention to become effective this year. As, however, the Senate will not meet until December, it seems clear that it will not be possible to put the Treaty into effect this year. In these circumstances, I have further the honour to inquire whether the United States Government would agree to a simultaneous public announcement by the United States Government and the Government of Canada, on a date to be agreed upon between them, that the Close Season shall not be effective during the 1923-1924 season.

I should be most grateful to receive an expression of the views of the United States Government on these two points at your early convenience for communication to the Dominion Government.

I have, &c.,
H. G. CHILTON.

The Honourable
Charles E. Hughes,
Secretary of State of the United States.

* No. 467.

47119

No. 469.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24th September, 1923.)

[Answered by No. 470.]

SIR, Foreign Office, S.W.1, 24th September, 1923.

I AM directed by the Secretary of State for Foreign Affairs to transmit to you herewith a paraphrase of a telegram from His Majesty's Chargé d'Affaires in Washington regarding the Pacific Halibut Fishery Treaty.

2. The Secretary of State sees no objection to Mr. Chilton acting in accordance with the request of the Canadian Government reported in the enclosed telegram and proposes, subject to the concurrence of the Secretary of State for the Colonies, to authorize him by telegraph to do so.

3. I am to request the favour of a very early reply.

I am, &c.,
G. R. WARNER.

Enclosure in No. 469.

TELEGRAM FROM MR. CHILTON (WASHINGTON) to LORD CURZON.

(Received Foreign Office 6.30 p.m., 22nd September, 1923.)

Pacific Halibut Fishery Treaty.

I HAVE received a despatch from the Government of Canada in which they state that it is extremely unlikely that the Close Season can be brought into being this year, since the Senate do not assemble until December.

In the circumstances, and having especial regard to the hardship arising from the uncertainty of the position, they express their readiness pending ratification of the Convention to prohibit the landing of Pacific-caught halibut in Canadian ports for a period of three months dating from the 16th November, if the United States Government will agree to issue a similar prohibition.

The despatch requests that I should so inform this Government and ask whether they would be willing and able to take the necessary steps.

In the event of a negative reply, the Canadian Government inquire whether they will consent to an announcement to the effect that the Close Season will not become effective this year being made in both countries on the first proximo.

I should be glad to be informed urgently whether I am authorized to make a communication in the sense desired.

47119

No. 470.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 471.]

SIR, Downing Street, 26th September, 1923.

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letter of the 24th September,* enclosing a copy of a telegram from His Majesty's Chargé d'Affaires at Washington on the subject of the Pacific Halibut Fishery Treaty, and to request you to inform the Marquess Curzon of Kedleston that he concurs in the proposal that Mr. Chilton should be authorized by telegraph to act in accordance with the request of the Canadian Government.

I am, &c.,
C. T. DAVIS.

* No. 469.

48303

No. 471.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 3rd October, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of a telegram to His Majesty's Representative at Washington on the subject of the Pacific Halibut Fishery Treaty.

Foreign Office,

2nd October, 1923.

Reference to previous correspondence: Colonial Office letter of 26th September.*

Enclosure in No. 471.

TELEGRAM FROM LORD CURZON to MR. CHILTON (WASHINGTON).

(Sent 9.30 p.m., 27th September, 1923.)

Pacific Halibut Fisheries Treaty.

THERE is no objection to your making a communication to the United States Government in the terms desired by the Canadian Government as set forth in your telegram of 22nd September.†

48420

No. 472.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4th October, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of a telegram from His Majesty's Chargé d'Affaires at Washington on the subject of the Pacific Halibut Fishery Treaty.

Foreign Office,

3rd October, 1923.

Reference to previous correspondence: Colonial Office letter of 26th September.*

Enclosure in No. 472.

TELEGRAM FROM MR. CHILTON (WASHINGTON) to LORD CURZON.

(Dated 2nd October.)

(Received Foreign Office 8.30 a.m., 3rd October, 1923.)

(No. 399 (R).)

YOUR telegram No. 292.†

Following telegram sent to Canada 2nd October, No. 68. *Begins:*

Confidential. Your telegram No. 61A.

Under-Secretary of State informed me confidentially to-day that President had agreed to re-introduce Halibut Treaty into Senate as signed, i.e., without reservation, and presumption was that it would pass.

He said that United States Government had no power to prohibit landing of halibut in United States ports in the absence of a law.

Under-Secretary of State intimated that he thought it would be possible to agree to issue shortly of public announcement that there would be no Close Season this year, but he could not yet commit himself. He would let me know definitely as soon as possible in his written reply to my Note.

* No. 470.

† Enclosure in No. 469.

‡ Enclosure in No. 471.

48808

No. 473.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 8th October, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of a telegram from His Majesty's Representative at Washington on the subject of the Pacific Halibut Fishery Treaty.

Foreign Office,

6th October, 1923.

Reference to previous correspondence: Foreign Office letter of 3rd October.*

Enclosure in No. 473.

TELEGRAM FROM MR. CHILTON (WASHINGTON) to LORD CURZON.

(Dated 4th October.)

(Received Colonial Office 8.30 a.m., 5th October, 1923.)

(No. 400 (R).)

My telegram No. 399.†

Following telegram sent to Canada, No. 69, 4th October. *Begins:*

My telegram No. 68.

I have now received Note from State Department confirming what Under-Secretary of State said to me as reported in my above-mentioned telegram, and adding that United States Government agreed to co-operate with Canadian Government in public announcement to be issued simultaneously in Washington and Ottawa to the effect that Close Season provided by the Halibut Convention will not be effective during season of 1923-1924.

They suggest 15th October as date on which to make announcement, and desire to receive draft of statement Canadian Government propose to issue.

Copy of Note by post.

49855

No. 474.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 13th October, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of a despatch from His Majesty's Representative at Washington on the subject of the Pacific Halibut Fishery Treaty.

Foreign Office,

12th October, 1923.

Reference to previous correspondence: Colonial Office letter of 26th September.‡

Enclosure in No. 474.

(No. 1188.)

SIR,

British Embassy, Washington, 28th September, 1923.

I HAVE the honour to transmit to you, herewith, copies of a despatch to the Department of State, Washington, on the subject of the uncertainty as to whether

* No. 472.

† Enclosure in No. 472.

‡ No. 470.

the Close Season provided for by the Northern Pacific Halibut Fishery Convention will, or will not, be effective this year.

I have, &c.,
H. G. CHILTON.

His Majesty's Principal Secretary of State for Foreign Affairs,
Foreign Office,
London.

Reference: Foreign Office telegram No. 292 of 27th September, 1923.*

(No. 822.)

SIR, British Embassy, Washington, D.C., 28th September, 1923.
WITH reference to my Note No. 764 of 6th September,† relative to the Northern Pacific Halibut Fishery Convention, I have the honour, at the request of His Excellency the Governor-General of Canada, to draw your attention to the difficulties arising out of the present uncertainty whether the Close Season provided for by the Convention will, or will not, be effective this year.

The Governor-General of Canada points out that preparations for continuing fishery throughout the winter have to be made a considerable time beforehand. It will thus be appreciated that, if there is to be a Close Season this year—which would presumably begin on 16th November, the date specified in the Convention—it is important that fishermen and others have reasonable warning before the closing actually takes place, so that they may avoid incurring much expense in needless preparatory arrangements for winter fishing.

On the other hand, if there is to be no Close Season in the coming winter, fishermen and buyers are equally embarrassed as, owing to the uncertainty that now exists, they cannot make their usual contracts for obtaining and delivering supplies of halibut. Further, I understand that all those directly connected with the industry both in the United States and in Canada are agreed not only as to the great need for the protection prescribed in the Convention, but as to the desirability of such protection becoming effective this year.

But, as far as I am aware, the United States Senate will not meet until sometime in December, so that, even if the Senate were then to withdraw their previous resolution and to ratify the Convention in the form in which it was signed, it would appear impossible to put the Convention into effect this year. If this is so, the Dominion Government feel strongly that some immediate action is necessary in order that some measure of protection may be afforded during the coming winter. The Governor-General has, therefore, informed me that if the Government of the United States will be prepared immediately to take such action as may be within their power to prohibit the landing in United States ports of halibut taken in the Pacific during the three months beginning 16th November next, pending ratification of the Treaty by the United States Senate, the Government of Canada will likewise be prepared, on their part, to prohibit the landing in Canada of halibut caught in the Pacific during the said three months.

In these circumstances, I have the honour to ask you to be so good as to inform me, at the earliest possible moment, whether the United States Government are in a position to take the action suggested by the Dominion Government and, if so, whether they would be good enough to do so with the least possible delay in order to avoid further embarrassment to the Pacific halibut fishing industry.

On the other hand, should the United States Government find it impossible to take such action as a measure of temporary relief, and in the event of there being no likelihood of the Convention being re-submitted to the Senate in time to make it effective this year, the Governor-General of Canada requests me to inquire whether the United States Government would agree to an intimation being sent out to the Pacific halibut fishing industry from Ottawa and Washington simultaneously on 1st October next to the effect that there will be no Close Season this year.

I have, &c.,
H. G. CHILTON.

The Honourable
Charles E. Hughes,
Secretary of State of the United States,
Washington, D.C.

* Enclosure in No. 471.

† Sub-enclosure in No. 468.

50744

No. 475.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 18th October, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Representative at Washington on the subject of the Pacific Halibut Fishery Treaty.

Foreign Office,
17th October, 1923.

Reference to previous correspondence: Foreign Office letter of 6th October.*

Enclosure in No. 475.

(No. 1220.)

SIR, British Embassy, Washington, 5th October, 1923.
I HAVE the honour to transmit to you, herewith, copies of a despatch from the Department of State, Washington, on the subject of the protection of the halibut fishery of the Northern Pacific Ocean.

I have, &c.,
H. G. CHILTON.

His Majesty's Principal Secretary of State for Foreign Affairs,
Foreign Office,
London.

Reference: Washington telegram No. 400 of 4th October, 1923.†

SIR, Department of State, Washington, 4th October, 1923.
I HAVE the honour to acknowledge the receipt of your Notes No. 764 of 6th September,‡ and No. 822 of 28th September, 1923,§ with reference to the Convention concluded between the United States and Great Britain on 2nd March, 1923, for the protection of the halibut fishery of the Northern Pacific Ocean.

With reference to the situation as presented in your Notes, I have the honour to advise you for the confidential information of the Canadian Government that the President has expressed his readiness to re-submit the Convention to the Senate with a view to obtaining the advice and consent of the Senate to the ratification of the Convention as signed. Since it appears to be improbable that the Senate will convene before the first week in December, there does not seem to be any probability of obtaining reconsideration of the Convention by the Senate in time to bring its provisions for the establishment of a Close Season into operation during the winter of 1923-1924.

With reference to the proposal of the Government of Canada to afford temporary protection to the Pacific halibut fishery by prohibiting the landing of halibut taken during the three months beginning 16th November, 1923, on condition that the United States is prepared to take similar action, I have the honour to inform you that the Executive is without authority to make and enforce regulations of the character necessary to accomplish the plan suggested by the Government of Canada.

In view of the foregoing, I have the honour to inform you that the Government of the United States is prepared to join the Government of Canada in a public announcement to be made simultaneously from Washington and Ottawa to the effect that the Close Season provided by the Convention will not be effective during the season 1923-1924.

I should be pleased to receive a draft of the statement which the Canadian Government proposes to make public. It is suggested that the announcement might be made on 15th October, 1923, if that date be agreeable to the Government of Canada.

Mr. Henry Getty Chilton,
Chargé d'Affaires *ad interim* of Great Britain.

Accept, &c.,
For the Secretary of State,
WILLIAM PHILLIPS.

* No. 473. † Enclosure in No. 473. ‡ Sub-enclosure in No. 468. § Sub-enclosure in No. 474.

51584

No. 476.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 25th October, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Representative at Washington, on the subject of the Pacific Halibut Fishery Treaty.

Foreign Office,
24th October, 1923.

Reference to previous correspondence: Foreign Office letter of 17th October.*

Enclosure in No. 476.

(No. 1261.)

SIR, British Embassy, Washington, 12th October, 1923.
I HAVE the honour to transmit to you, herewith, copies of correspondence with the Department of State, Washington, and of a telegram to Canada on the subject of the issue of a statement by the Governments of Canada and the United States respecting the Close Season for the Pacific halibut fishery during the winter of 1923-1924.

I have, &c.,
H. G. CHILTON.

His Majesty's Principal Secretary of State for Foreign Affairs,
Foreign Office,
London.

Reference: Washington despatch No. 1220 of 5th October, 1923.†

(No. 872.)

SIR, British Embassy, Washington, D.C., 9th October, 1923.
WITH reference to my Note No. 869 of the 8th instant, regarding the Halibut Fishery Convention between the United States and Great Britain, I have the honour to state that I have now received a telegraphic communication from His Excellency the Governor-General of Canada stating that the Dominion Government will be glad to issue on the 15th instant, simultaneously with the United States Government, a statement on the lines indicated in the Note which you were so good as to address to me on the 4th instant.

The Canadian Government propose the following as the draft of this statement:—

"Northern Pacific Halibut Convention.

As the time when the Closed Season provided for by the above-named Convention should commence is now quite near, the question of whether or not such a season could be made effective this year has formed the subject of a series of Notes which has recently passed between the Government of the Dominion of Canada and the United States Government. As a result of this exchange of Notes, and in order to avoid any embarrassment to the halibut fishing industry by reason of the continued uncertainty as to the extent to which its business would be affected this year by the Convention, it has been decided to intimate to those engaged in the industry, both in Canada and in the United States, that there will be no closed time for halibut during the winter season of 1923-1924."

I have the honour to request that you will be so good as to inform me at your earliest convenience whether the above draft is acceptable to the United States Government.

I have, &c.,
H. G. CHILTON.

The Honourable
Charles E. Hughes,
Secretary of State of the United States,
Washington, D.C.

* No. 475.

† Enclosure in No. 475.

SIR, Department of State, Washington, 12th October, 1923.

I HAVE the honour to acknowledge the receipt of your Note No. 872 of 9th October, 1923, stating, with reference to the Convention signed by the United States and Great Britain on 2nd March, 1923, for the preservation of the halibut fishery of the Northern Pacific Ocean, that the Canadian Government will be glad to issue on 15th October, simultaneously with this Government, a statement that there will be no Close Season for the Pacific halibut fishery during the winter of 1923-1924.

I would suggest that the reference to the Notes which have been exchanged in regard to the establishment of the Close Season during the year 1923-1924 be omitted from the public statement which it is proposed to make, and that the statement be modified to read as follows:—

"Northern Pacific Halibut Convention.

As no binding agreement has been reached concerning the Closed Season provided for by the above-named Convention which is now approaching, notice is hereby given to those engaged in the halibut fishing industry, both in Canada and in the United States, that there will be no closed time for halibut during the winter season of 1923-1924."

Steps will be taken to make the statement public in the United States on 18th October, and to cause it to be communicated to those who are engaged in the halibut fishing industry.

Accept, &c.,
For the Secretary of State,
WILLIAM PHILLIPS,
Under-Secretary.

Mr. Henry Getty Chilton,
Chargé d'Affaires *ad interim* of Great Britain.

TELEGRAM to GOVERNOR-GENERAL, CANADA, 12TH OCTOBER, 1923.

YOUR telegram No. 64A of 8th October.

United States Government have amended statement as follows:—

"Northern Pacific Halibut Convention.

"As no binding agreement has been reached concerning the Closed Season provided for by the above-named Convention which is now approaching, notice is hereby given to those engaged in the halibut fishing industry, both in Canada and in the United States, that there will be no closed time for halibut during the winter season of 1923-1924."

They will take steps to publish this on 18th October, and to cause it to be communicated to those engaged in halibut fishing industry.

WASHINGTON CONFERENCE.

Ratification of Treaties negotiated at Conference.

(Treaty Series 1924, Nos. 5 and 6.)

37515

No. 477.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.) } Dominions No. 287.)

[MY LORD,] [SIR,]

Downing Street, 2nd August, 1923.

WITH reference to my predecessor's despatch Dominions No. 342 of the 9th of September, 1922,* I have the honour to request [Your Excellency,] [Your Royal Highness,] [you] to inform your Ministers that His Majesty's Chargé d'Affaires at Washington has reported, in a despatch dated the 13th of July, that he was informed

* No. 422 in Dominions No. 87

by the United States Secretary of State that as soon as the United States Government had been notified by the French Embassy of the receipt of the Instruments of Ratification of the treaties, agreement and declaration signed at Washington last year, now ratified by France, it was intended to propose to the Representatives in Washington of the Powers concerned that they should simultaneously deposit at the State Department the Instruments of Ratifications of their respective Governments.

I have, &c.,
DEVONSHIRE.

44284

No. 478.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 344.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,] Downing Street, 12th September, 1923.

WITH reference to my despatch Dominions No. 287 of the 2nd August,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a telegram from His Majesty's Representative at Washington, regarding the ratifications of the Naval Disarmament Treaty, the Four Power Pacific Pact, and the Supplementary Agreement respecting Insular Possessions signed at Washington last year.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 478.

TELEGRAM FROM MR. CHILTON (WASHINGTON).

(Received 9.30 p.m., 16th August, 1923.)

(No. 350. (R).)

15TH AUGUST. Your telegram No. 248. State Department inform me that French Embassy have now received ratification of (1) Naval Disarmament Treaty; (2) Four Power Pacific Pact; (3) Supplementary Agreement respecting Insular Possessions, and that they hope to be able to invite representatives of Powers concerned to deposit ratifications within a few days.

Assistant Secretary of State has shown me procès-verbaux to be signed. Procès-verbal of (1) embodies declaration of French Government which French Embassy have requested may be in French. State Department have agreed. Procès-verbal of (2) and (3) contains statement "Representative of United States of America declared instrument of ratification of United States is deposited with reservation and understanding recited in ratification."

45599

No. 479.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.	} Dominions Treaty No. 34.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	

[MY LORD,] [SIR,] Downing Street, 21st September, 1923.

WITH reference to my despatch Dominions No. 344, of the 12th of September,† and previous correspondence, I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] for the information of your Ministers, certified copies of the Procès-verbaux recording the deposit of ratifications by the signatory Powers

* No. 477.

† No. 478.

of three of the Acts of the Washington Conference on the Limitation of Armament, namely:—

- (i) The Treaty to limit naval armament,
- (ii) The Treaty relating to insular possessions and insular dominions in the region of the Pacific Ocean, and
- (iii) The Agreement supplementary thereto.

I have, &c.,
DEVONSHIRE.

Enclosure 1 in No. 479.

PROCÈS-VERBAL OF DEPOSIT OF RATIFICATIONS OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN, TO LIMIT THEIR RESPECTIVE NAVAL ARMAMENT, CONCLUDED AT WASHINGTON, 6TH FEBRUARY, 1922.

In conformity with Article XXIV of the Treaty between the United States of America, the British Empire, France, Italy, and Japan, to limit their respective naval armament, concluded at Washington on 6th February, 1922, the undersigned representatives of the United States of America, the British Empire, France, Italy, and Japan, this day met at the Department of State at Washington, to proceed with the deposit with the Government of the United States of America of the instruments of ratification of the said Treaty by the Governments they represent.

The representative of the Government of the French Republic made the following declaration:—

"Le Gouvernement français estime et a toujours estimé que les rapports des tonnages globaux en bâtiments de ligne et en porte-aéronefs, attribués à chacune des Puissances Contractantes, n'expriment pas l'importance respective des intérêts maritimes de ces Puissances et ne peuvent être étendus aux catégories de navires autres que celles pour lesquelles ils ont été expressément stipulés."

The instruments of ratification produced having been found upon examination to be in due form, are entrusted to the Government of the United States of America to be deposited in the archives of the Department of State.

In witness whereof, the present procès-verbal, of which a certified copy will be sent by the Government of the United States of America to each one of the Powers signatory to the said Treaty, is signed.

Done at Washington, 17th August, 1923, at 12 o'clock.

For the United States of America:

CHARLES EVANS HUGHES. (Seal.)

For the British Empire:

H. G. CHILTON. (Seal.)

For France:

ANDRÉ DE LABOULAYE. (Seal.)

For Italy:

AUGUSTO ROSSO. (Seal.)

For Japan:

M. HANIHARA. (Seal.)

Certified to be a true copy of the original.

CHARLES E. HUGHES,
Secretary of State of the United States of America.

Enclosure 2 in No. 479.

PROCÈS-VERBAL OF DEPOSIT OF RATIFICATIONS OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, AND JAPAN, RELATING TO THEIR INSULAR POSSESSIONS AND INSULAR DOMINIONS IN THE REGION OF THE PACIFIC OCEAN, CONCLUDED AT WASHINGTON, 13TH DECEMBER, 1921.

IN conformity with Article IV of the Treaty between the United States of America, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the region of the Pacific Ocean, concluded at Washington, on 13th December, 1921, the undersigned representatives of the United States of America, the British Empire, France, and Japan, this day met at the Department of State at Washington, to proceed with the deposit with the Government of the United States of America of the instruments of ratification of the said Treaty by the Governments they represent.

The representative of the United States of America declared that the instrument of ratification of the United States is deposited with the reservation and understanding recited in the ratification, that:—

"The United States understands that under the statement in the preamble, or under the terms of this Treaty, there is no commitment to armed force, no alliance, no obligation to join in any defence."

The instruments of ratification produced having been found upon examination to be in due form, are entrusted to the Government of the United States of America to be deposited in the archives of the Department of State.

In witness whereof, the present procès-verbal, of which a certified copy will be sent by the Government of the United States of America to each one of the Powers signatory to the said Treaty, is signed.

Done at Washington, 17th August, 1923, at 12 o'clock.

For the United States:

CHARLES EVANS HUGHES. (Seal.)

For the British Empire:

H. G. CHILTON. (Seal.)

For France:

ANDRÉ DE LABOULAYE. (Seal.)

For Japan:

M. HANIHARA. (Seal.)

Certified to be a true copy of the original.

CHARLES E. HUGHES,

Secretary of State of the United States of America.

Enclosure 3 in No. 479.

PROCÈS-VERBAL OF DEPOSIT OF RATIFICATIONS OF THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, AND JAPAN, CONCLUDED AT WASHINGTON, 6TH FEBRUARY, 1922, SUPPLEMENTARY TO THE TREATY CONCLUDED BETWEEN THEM ON 13TH DECEMBER, 1921, RELATING TO THEIR INSULAR POSSESSIONS AND INSULAR DOMINIONS IN THE REGION OF THE PACIFIC OCEAN.

IN conformity with the Agreement between the United States of America, the British Empire, France, and Japan, concluded at Washington, on 6th February, 1922, supplementary to the Treaty concluded between the same Four Powers at Washington on 13th December, 1921, relating to their insular possessions and insular dominions in the region of the Pacific Ocean, the undersigned representatives of the United States of America, the British Empire, France, and Japan this day met at the Department of State at Washington, to proceed with the deposit with the Government of the United States of America of the instruments of ratification of the said Agreement by the Governments they respectively represent.

The representative of the United States of America declared that the instrument of ratification of the United States is deposited with the reservation and understanding recited in the ratification, and which repeats the declaration of intent and understanding signed on 13th December, 1921, by the Plenipotentiaries of the Four Powers Signatories of the Treaty of 13th December, 1921, as follows:—

- "1. That the Four Power Treaty relating to Pacific Possessions shall apply to the Mandated Islands in the Pacific Ocean; provided, however, that the making of the Treaty shall not be deemed to be an assent on the part of the United States of America to the mandates, and shall not preclude agreements between the United States of America and the Mandatory Powers respectively in relation to the mandated islands.
2. That the controversies to which the second paragraph of Article 1 of the Four Power Treaty relating to Pacific Possessions refers, shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective Powers."

The instruments of ratification produced, having been found upon examination to be in due form, are entrusted to the Government of the United States of America to be deposited in the Archives of the Department of State.

In witness thereof, the present procès-verbal, of which a certified copy will be sent by the Government of the United States of America to each one of the Powers signatory to the said Treaty, is signed.

Done at Washington, 17th August, 1923, at 12 o'clock.

For the United States of America:

CHARLES EVANS HUGHES. (Seal.)

For the British Empire:

H. G. CHILTON. (Seal.)

For France:

ANDRÉ DE LABOULAYE. (Seal.)

For Japan:

M. HANIHARA. (Seal.)

Certified to be a true copy of the original.

CHARLES E. HUGHES,
Secretary of State of the United States of America.

45599

No. 480.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 111.)

SIR,

Downing Street, 28th September, 1923.

WITH reference to my despatch Dominions No. 344 of the 12th September,* I have the honour to request you to inform your Ministers that the ratifications by the signatory Powers of the following Acts of the Washington Conference on the Limitation of Armaments were deposited with the United States Government on the 17th August:—

(1) The Treaty for the Limitation of Naval Armaments signed on the 6th February, 1922.

(2) The Treaty relative to Insular Possessions and Insular Dominions in the Pacific Ocean, signed on the 13th December, 1921.

(3) The Treaty of the 6th February, 1922, supplementary to this Treaty.

* No. 478.

2. I enclose copies of the Procès-Verbaux* recording the deposit of ratifications and the declarations made by the representative of the French Government with regard to the first of these Treaties and by the representative of the United States of America with regard to the second and third.

I have, &c.,
DEVONSHIRE.

45599

No. 481.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 583.)

SIR,

Downing Street, 28th September, 1923.

I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, copies of Procès-Verbaux* recording the deposit of ratifications of the following Acts of the Washington Conference on the Limitation of Armaments:—

- (1) The Treaty for the Limitation of Naval Armaments signed on the 6th February, 1922.
 - (2) The Treaty relative to Insular Possessions and Insular Dominions in the Pacific Ocean signed on the 13th December, 1921.
 - (3) The Treaty of the 6th February, 1922, supplementary to this Treaty.
2. The text of the Treaties in question will be found on pages 3-19, 38-40, and 41-42 of the Parliamentary Paper Cmd. 1627, copies of which are enclosed.
3. These Treaties are referred to in the third paragraph of the letter from Mr. Curtis to the Provisional Government dated 2nd May, 1922.†

I have, &c.,
DEVONSHIRE.

* Enclosures in No. 479. † No. 152 in Dominions No. 87.

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Dominions

No. 90.

SECRET.

CONSTITUTIONAL RELATIONS OF THE EMPIRE.

(See Resolution IX of the Imperial War Conference, 1917.)

CORRESPONDENCE AND PAPERS 1923-1926.

[And one paper dated 1921 (Memorandum by General Smuts.)]

(Continued by Dominions No. 109.)

CONSTITUTIONAL RELATIONS OF THE EMPIRE.

SUMMARY OF CONTENTS.

	PAGE
I. Extra-territorial legislation	1
(Section IV (c) of Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926, pages 16 to 18 of Cmd. 2768.)	
II. Conference on consultation with the Dominions on foreign policy, etc.	9
III. Diplomatic Representation of the Dominions in foreign countries and of foreign countries in the Dominions	24
(a) Irish Free State: Ministers and Secretaries Bill	24
(b) Irish Free State: Representation at Washington	30
(c) Canada: Representation at Washington	68
(d) United States: Representation at Ottawa and Dublin	72
IV. Appointment of an Australian Liaison Officer in London	75
(Section VI of Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926, page 27 of Cmd. 2768.)	
V. Establishment of Secretaryship of State for Dominion Affairs	76
VI. Issue of Exequators to Foreign Consuls in the Dominions	82
(Section V (d) of Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926, page 26 of Cmd. 2768.)	
VII. International Status of the Dominions—Memoranda and Statements regarding	84
VIII. Imperial Conferences. Statements in the Dominions on character of	110
IX. Imperial Conference, 1926. Statements in the Dominions as to Report of the Inter-Imperial Relations Committee	113
X. Canadian Political Situation, July, 1926. Correspondence regarding	144
XI. The position of the Crown in relation to the Dominions	147
XII. Irish Boundary Negotiations (Diary of Principal Events, 1921-1925)	153
XIII. Irish Financial Settlement (Summary of Correspondence, 1924-1925)	161
(Article V.)	
XIV. Form of Irish Free State Passports	161
XV. Official Channel of Communication between His Majesty's Governments in Great Britain and in the Dominions	178
(Section IV (b) of Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926, page 16 of Cmd. 2768.)	

TABLE OF CONTENTS.

410

I. EXTRA-TERRITORIAL LEGISLATION.

(Section IV (c) of Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926, pages 16-18 of Cmd. 2768).

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
1 The Governor-General Canada, Secret December 19, 1922 (Rec. Jan. 1, 1923)	Transmits copy of a Privy Council Minute stating that the alternative form of enactment proposed in No. 47 of Dominions No. 66 is not acceptable and submitting a modified draft 1
2 To Law Officers January 26	Transmits copy of No. 1 for observations... .. 2
3 Law Officers April 11	Conveys opinion that the modifications suggested by the Canadian Government as stated in No. 1 may properly be accepted 2
4 To Law Officers and Law Officers' Report June 29 July 21	Reference regarding the position resulting from Article 73 of the Constitution of the Irish Free State with regard to the extra-territorial effect of existing Imperial legislation which is thereby continued in force, and in particular with regard to the Steam Trawling (Ireland) Act, 1889, and the Fisheries (Ireland) Act, 1901, and report thereon 3
5 To the Governor-General, Irish Free State, No. 495 ... August 17	Enquires whether Ministers concur in the view of the Law Officers that, while on the one hand the Steam Trawling (Ireland) Act, 1889, and the Fisheries (Ireland) Act, 1901, and all by-laws made thereunder which were unrepealed on the date on which the Constitution came into force undoubtedly remain in full force, the powers conferred are not such as to enable the Free State to make new by-laws or pass further legislation having extra-territorial effect 5
6 To Law Officers November 13	Enquires whether under Article 2 of the Treaty the Constitutional position of the Irish Free State is to be that of Canada at the date when the Treaty was signed, or whether the Constitutional relations between the United Kingdom and the Irish Free State are to be affected by every change taking place after that date in the constitutional relations between the United Kingdom and Canada 6
7 Law Officers December 31	Reports upon the question raised in No. 6 7
1924	
8 To the Governor-General Canada, Secret May 9	States that His Majesty's Government agree in the adoption of the modified wording suggested in No. 1 which, it is presumed, will be embodied in an address to His Majesty, on receipt of which steps will be taken to introduce a measure into Parliament 8
9 The Governor-General Irish Free State, 227 (Extract) ... June 12 (Rec. June 13)	States that Ministers see no reason to dissent from the view of the Law Officers as indicated in No. 5... .. 8

II. CONFERENCE ON CONSULTATION WITH DOMINIONS ON FOREIGN POLICY, ETC.

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
10 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram June 23	Discusses deficiencies in present system of consultations on matters of foreign policy, and possible remedies, and suggests <i>inter alia</i> that two representatives of each country concerned meet to consider problems. Suggests October as being a suitable date... 9
11 To the Governor-General Irish Free State, Confidential June 25	Transmits copy of No. 10, and requests views of the President of the Executive Council ... 10
12 The Governor-General Canada, Telegram, Confidential June 25 (Rec. June 26)	Transmits message from Prime Minister to Prime Minister to the effect that consideration will be given to the subject matter of No. 10 as soon as prorogation of Parliament takes place ... 11
13 The Governor-General New Zealand, Telegram, Confidential June 28 (Rec. June 28)	Transmits message for Prime Minister from Prime Minister stating that no objection is seen to the appointment of a small Committee to carry out a preliminary examination of the subject, but stating that it is impossible for him or any other Minister to leave New Zealand for probably eighteen months ... 11
14 To the Governors-General and Governor Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Confidential July 1	Transmits copy of No. 12 ... 11
15 To the Governors-General and Governor Canada, Commonwealth of Australia, Union of South Africa, Irish Free State, Newfoundland, Confidential July 3	Transmits copy of No. 13 ... 12
16 The Governor-General Commonwealth of Australia, Telegram, Confidential July 16	Forwards message for Prime Minister from Prime Minister stating in reply to No. 10 that for the reasons indicated Commonwealth Government does not propose to send representatives to a Conference to discuss these questions, but is prepared to explore further any suggestions that may be put forward and also to offer suggestions for consideration which may occur to them 12
17 To the Governors-General and Governor Canada, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Confidential July 24	Transmits copy of No. 16 ... 15
18 The Governor-General Canada, Telegram August 7 (Rec. Aug. 8)	Transmits message for Prime Minister from Prime Minister discussing the proposals put forward in No. 10, and agreeing to take part in the suggested meeting for preliminary examination of these problems ... 15

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
19 The Governor-General New Zealand, Telegram, Confidential August 11 (Rec. Aug. 11)	Enquires as to the attitude of the other Dominions towards the proposed Committee ... 16
20 The Governor Newfoundland, Telegram August 16 (Rec. Aug. 17)	States that Prime Minister considers that certain proposals are impracticable but that, as subject is not a suitable one for discussion by correspondence, preliminary examination as suggested is essential. States that when advised of date most suitable Prime Minister will arrange for representatives to attend ... 17
21 To the Governor-General Commonwealth of Australia, Telegram August 18	Transmits message from Prime Minister for Prime Minister giving gist of No. 18 and expressing the hope that Commonwealth Government will reconsider the question. States that it does not seem practicable to hold preliminary meeting before November and suggests that the method of representation of the British Empire at future International Conferences should be included among the matters to be discussed ... 17
22 To the Governor-General New Zealand, Telegram, Confidential August 18	Gives summary of Nos. 16, 18, and 21 ... 18
23 To the Governor-General Canada, Telegram August 18	States that Commonwealth Government are being asked to reconsider the question and that it looks as though meeting cannot be held before November. Suggests inclusion of the representation of the British Empire at future International Conferences among the matters to be discussed ... 19
24 To the Governor-General Union of South Africa, Telegram August 18	Requests early expression of views on No. 10, indicates the attitude of the other Dominions towards the proposed Committee, states that it is not considered possible to hold preliminary meeting until November, and suggests the inclusion of representation of the British Empire at future International Conferences among the matters to be discussed ... 19
25 The Governor-General Union of South Africa, Telegram, Confidential August 21	Transmits message from Prime Minister for Prime Minister stating that after consideration Government cannot see its way clear to take part in such a Conference during the course of this year ... 20
26 The Governor-General Commonwealth of Australia, Telegram, Confidential August 22 (Rec. Aug. 22)	Transmits message from Prime Minister for Prime Minister stating that, while adhering to views expressed in No. 16, his Government is prepared to co-operate, that late November would be a convenient date, and that representatives will be nominated later 20
27 The Governor-General Union of South Africa, Telegram, Confidential September 5 (Rec. Sept. 5)	States that Ministers agree to Union participating in the Conference but regret that a Minister will not be available. They consider February most suitable date and state that delegate from the Union will attend the Conference ... 21
28 The Governor-General Canada, Telegram September 5 (Rec. Sept. 6)	Requests early information as to whether preliminary Conference is to be held this fall and if so at what date. Asks also for indication of proposed personnel 21
29 The Governor-General New Zealand, Telegram September 10 (Rec. Sept. 10)	Enquires whether it has been definitely decided to hold proposed preliminary meeting, and if so, on what date 22

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
30 To the Governor-General New Zealand, Telegram, Confidential September 15	Indicates the attitude of the other Dominions and states that definite proposals as to agenda, representatives, time, etc., are being worked out ... 22
31 To the Governor-General Canada, Telegram, Confidential ... September 15	Ditto ... 22
32 The Governor-General Canada, Telegram, Confidential ... September 18 (Rec. Sept. 19)	Requests that, when the details regarding agenda, representatives, time, etc., have been decided Canadian delegation at Geneva may be informed simultaneously with Canadian Government. Trusts that it may be possible to convene the Conference not later than the middle of October ... 23
33 To the Governor-General Canada, Telegram, Confidential ... September 19	States that, for reasons given, it would be impossible to hold Conference as early as the middle of October ... 23
34 The Governor-General Canada, Telegram September 26	States, in reply to No. 33, that Canadian Government favours indefinite postponement of the proposed Constitutional Enquiry, and that matters which were to have been dealt with in Conference be taken up by correspondence. States that delegates will not be able to remain in London after October ... 23
35 The Governor-General Irish Free State, Confidential ... October 10 (Rec. Oct. 11)	States that Ministers would be prepared to take part in proposed Conference for preliminary examination of problems and enquiries as to date fixed... 24

III. DIPLOMATIC REPRESENTATION OF THE DOMINIONS IN FOREIGN COUNTRIES AND OF FOREIGN COUNTRIES IN THE DOMINIONS.

(a) Irish Free State Ministers and Secretaries Bill.

1923	
36 Irish Free State	Extracts from Section 1 of Ministers and Secretaries Bill, 1923 ... 24
37 Sir Mark Sturgis (Colonial Office) to Mr. C. H. Montgomery (Foreign Office) November 23	Discusses the question of the desirability, from the point of view of the British Government, of making representations to the Irish Free State Government with a view to the omission of the words "diplomatic and consular" from Section 1 (xi) of the Ministers and Secretaries Bill, 1923 ... 25
38 Foreign Office November 26	Suggests, in reply to No. 37, that it is essential to establish the fact that the interpretation placed by His Majesty's Government on this Section of the Act is accepted and enquires in what way this can best be done ... 26
39 To Foreign Office November 27	Transmits copy of draft despatch to the Governor-General, Irish Free State, for concurrence ... 27
40 To the Governor-General Irish Free State, 689 November 29	Submits observations on the interpretation of Clause 1 (xi) of the Bill ... 28
41 Sir Mark Sturgis (Colonial Office) to Mr. N. G. Loughnane (Dublin), Personal and Confidential ... November 29	Transmits copy of No. 40 and requests that he should endeavour to get a satisfactory reply from the Irish Free State Government ... 28

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
42 Mr. N. G. Loughnane (Dublin) to Sir Mark Sturgis (Colonial Office) December 1	Reports result of discussion with Mr. Cosgrave and Mr. Kennedy regarding Section 1 (xi) of the Bill ... 29
43 The Governor-General Irish Free State, 361 December 21 (Rec. Dec. 22)	Concurs in the opinion expressed in No. 40 ... 30
1924	
44 To Foreign Office January 4	Transmits copies of Nos. 40 and 43 ... 30
(b) Irish Free State : Representation at Washington.	
1924	
45 The Governor-General Irish Free State, 79 March 3 (Rec. March 4)	Urges the necessity of appointing an Irish Minister Plenipotentiary and Envoy Extraordinary to the United States, nominates Mr. T. A. Smiddy and requests that the necessary action may be taken ... 30
46 To Foreign Office Secret ... March 11	Transmits with observations copy of No. 45, suggests that the proposals agreed to in 1920 in the case of the Canadian Minister at Washington would appear generally suitable except on two specified points, and requests views ... 31
47 Foreign Office March 2	Submits observations on No. 46 and suggests that the other Dominions should be informed of the request of the Irish Free State Government and asked for their considered views ... 32
48 To Foreign Office March 28	Submits with reference to No. 47, a draft despatch to the Irish Free State and a telegram to the other Dominions for concurrence ... 33
49 Foreign Office April 1	Suggests amendments in the draft despatch to Irish Free State enclosed in No. 48 as to the relations between the Free State Minister and the Embassy at Washington and the status of the Minister as a Minister Plenipotentiary ... 33
50 Foreign Office April 14	Adheres to the view that the Irish Free State Minister at Washington should be entirely independent of His Majesty's Embassy; can only concur in revised draft despatch subject to the omission indicated ... 34
51 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram, Confidential ... April 22	Indicates action proposed on the request of the Irish Free State for the appointment of Free State Minister at Washington and requests observations ... 34
52 To the Governor-General Irish Free State, Confidential ... April 24	States that His Majesty's Government are ready to approach the United States Government regarding the proposed appointment, considers it important that Dominion Governments should be informed of the contemplated action, and encloses copy of No. 51. Assumes that it is intended that Minister will hold the rank of Minister Plenipotentiary, and any questions that may arise regarding the negotiation or signature of Treaties with the United States will be dealt with in accordance with the Resolution of the Imperial Conference, 1923 ... 35

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
53 The Governor-General Canada, Telegram, Confidential ... April 26 (Rec. April 27)	States that Ministers cordially approve the contemplated action of the British Government ... 36
54 The Governor-General Union of South Africa, Telegram, Confidential April 28	States that Ministers have no objection to offer to course proposed in No. 51 ... 36
55 The Governor-General New Zealand, Tele- gram, Confidential May 3 (Rec. May 3)	States Prime Minister has always understood that Canadian representation at Washington was conse- quent upon exceptional conditions and was not to be admitted as a precedent; cannot therefore support proposal made in No. 51... 36
56 The Governor-General Commonwealth of Aus- tralia, Telegram, Con- fidential ... May 9 (Rec. May 9)	Suggests in reply to No. 51 that the matter is important enough to deserve fuller discussion before effect is given to it and that it might await the next Imperial Conference ... 37
57 The Governor-General Irish Free State, Con- fidential ... May 16 (Rec. May 17)	States that Ministers desire that action may be taken immediately with a view to the acceptance of Pro- fessor Smiddy as Representative. They do not appre- hend that the principle of diplomatic unity will be affected, and state that questions regarding negotia- tion and signature of Treaties with the United States will be dealt with in accordance with the Resolutions of the Imperial Conference ... 37
58 Foreign Office May 17	Transmits copy of No. 56 and of draft telegrams to Aus- tralia and New Zealand and a despatch to the Irish Free State for concurrence. Reiterates the opinion that it would be impossible in practice for the Irish Free State Minister at Washington to be entirely in- dependent of His Majesty's Embassy and suggests advisability of verbal discussion of the questions involved ... 38
59 To Foreign Office Confidential ... May 24	Submits with reference to No. 58 revised drafts for con- currence. Suggests that communication to the United States Government should be prepared and submitted for concurrence of Colonial Office and Free State Government ... 38
60 Foreign Office Confidential ... May 28	Concurs in suggestion for a personal discussion of ques- tions involved; and considers that this should take place at the earliest possible moment. Encloses a memorandum on Foreign Office views... 40
61 To the Governor-General Irish Free State, Con- fidential ... June 9	Transmits copies of Nos. 53, 54, 55 and 56 ... 42
62 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Confi- dential (2) ... June 12	Transmits copies of Nos. 45, 52, 53, 54, 55, 56, 57 and 61 ... 43
63 To Foreign Office Confidential ... June 12	Transmits copies of Nos. 61 and 62, and states that Mr. Thomas will be glad to discuss the matter at the earliest opportunity ... 43
64 Mr. J. H. Thomas to Mr. W. T. Cosgrave June 18	Suggests that the most effective way of settling the necessary details would be by personal conference ... 43

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
65 To Foreign Office June 18	Transmits copy of No. 64 ... 44
66 To the Governor-General Commonwealth of Aus- tralia, Telegram, Con- fidential ... June 18	States that while not demurring to the suggestion that the matter should be discussed at the next Imperial Conference, it is not thought possible to defer action pending such opportunity. Gives a summary of Nos. 52 and 57 ... 44
67 To the Governor-General New Zealand, Tele- gram, Confidential June 19	States that in view of the special interests of the Irish Free State in the United States His Majesty's Govern- ment felt bound to act on request of Irish Free State and gives summary of Nos. 52 and 57... 45
68 To the Governor-General Irish Free State, Con- fidential ... June 20	Transmits copies of Nos. 66 and 67, and states that it has been agreed that personal conference would be the best way of dealing with certain details that require to be settled ... 46
69 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Confi- dential ... June 20	Transmits copy of No. 68 ... 46
70 To Foreign Office June 2	Transmits copies of Nos. 66, 67 and 68... 47
71 Colonial Office June 2	Notes of conversation at the Colonial Office regarding the appointment of a Free State Minister at Washington ... 47
72 Colonial Office June 2	Notes of a conversation at the Colonial Office regarding the appointment of a Free State Minister at Washington ... 48
73 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Tele- gram, Confidential June 24	States that details of proposal having been discussed with Minister for External Affairs, Irish Free State, His Majesty's Ambassador, Washington, has been instructed to approach United States Government. Statements will be made in both Houses of Parlia- ment on 25th June ... 49
74 House of Lords June 25	Statements made by Lord Arnold and Lord Parmoor... 49
75 To the Governors-General Canada, Confidential (2), Commonwealth of Australia, Confidential (2), New Zealand, Con- fidential, Union of South Africa, Confi- dential (2), Irish Free State, Confidential (2) June 25	Transmits copies of telegrams to His Majesty's Amba- sador at Washington regarding the communication to be made to the United States Government ... 51
76 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Secret ... June 25	Transmits copy of a telegram to His Majesty's Amba- sador, Washington, regarding the powers of the Irish Free State Minister and his relations with the Ambassador ... 53
77 House of Commons June 26	Question asked by Mr. Baldwin and Mr. Thomas' reply thereto ... 54

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
78 To the Governor-General Irish Free State, Tele- gram ... June 28	States that His Majesty's Ambassador at Washington telegraphs that United States Government were in agreement with proposals and would receive Irish Minister with pleasure ... 55
79 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Tele- gram, Confidential June 28	Ditto ... 56
80 To the Governor-General Irish Free State, Con- fidential ... June 28	Transmits copy of telegram from His Majesty's Amba- sador at Washington referred to in No. 78 ... 56
81 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Confi- dential ... June 30	Ditto ... 57
82 The Governor-General Irish Free State, Tele- gram ... July 1 (Rec. July 3)	Requests that steps be taken to secure the assent of the United States Government to the appointment of Professor T. A. Smiddy ... 57
83 The Governor-General Irish Free State, Secret July 10 (Rec. July 11)	Transmits copy of letter of instructions sent to Professor Smiddy ... 57
84 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfound- land, Dominions 329 July 21	Transmits copy of despatch from Washington forward- ing copy of a note left with Mr. Hughes on 26th June, requesting the concurrence of the United States Government in the appointment of an Irish Free State Minister ... 58
85 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Secret July 22	Forwards copy of a letter of instructions addressed by the Irish Free State Government to Professor Smiddy 60
86 To the Governor-General Irish Free State, Secret July 22	Transmits copies of Nos. 71 and 72 ... 60
87 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of Africa, Irish Free State, Newfoundland, Dominions 349 ... July 28	Transmits copy of despatch from Washington trans- mitting copy of a note stating that the United States Government will be pleased to receive Irish Free State representative, also copy of an extract from <i>Washing- ton Post</i> of 27th June ... 60
88 To the Governor-General Irish Free State, 478 August 12	Conveys the approval of His Majesty the King to the appointment of Professor Smiddy, and encloses copy of telegram from His Majesty's Ambassador, Wash- ington, stating that appointment will be entirely acceptable to United States Government ... 62

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
89 To the Governor-General Irish Free State, Con- fidential ... August 21	Transmits for concurrence copy of draft credentials with which it is proposed that Professor Smiddy should be furnished ... 62
90 To the Governor-General Irish Free State, Secret August 21	Invites reference to Nos. 71 and 72 as to the form of His Majesty's title ... 63
91 The Governor-General Irish Free State, Con- fidential ... September 1 (Rec. Sept. 2)	Concurs in terms of draft credentials for Professor Smiddy and requests that they may be despatched with the least possible delay ... 63
92 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfound- land, Dominions 438 September 4	Transmits copy of correspondence between His Majesty's Ambassador at Washington and the Acting Secretary of State of the United States indicating that the appointment of Professor Smiddy will be acceptable to the United States Government ... 64
93 To the Governor-General Irish Free State, Con- fidential (2) ... September 16	Transmits copy of despatch to His Majesty's Amba- sador at Washington forwarding the credentials of Professor Smiddy ... 65
94 To the Governor-General Irish Free State, Tele- gram ... October 4	States that His Majesty's Ambassador reports that Professor Smiddy proposes to present his credentials on 7th October, and appointment will be published in an early issue of the <i>London Gazette</i> ... 66
95 To the Governor-General Irish Free State, Con- fidential (2) ... October 6	Transmits copy of telegram referred to in No. 94, and quotes text of an announcement which it is proposed to publish in the <i>London Gazette</i> on 10th October ... 66
96 To the Governors-General and Governor Canada, Confidential, Commonwealth of Aus- tralia, Confidential, New Zealand, Confi- dential, Union of South Africa, Confi- dential, Newfound- land, Confidential (2) October 14	Transmits copy of despatch to His Majesty's Amba- sador at Washington forwarding the credentials of Pro- fessor Smiddy, together with a copy of the credentials 66
97 To the Governor-General Irish Free State, 591 October 14	Transmits copy of an extract from the <i>London Gazette</i> of 10th October announcing the appointment of Professor Smiddy ... 67
98 To the Governors-General and Governor Canada, 450, Com- monwealth of Aus- tralia, 384, New Zealand, 197, Union of South Africa, 320, New- foundland, 158 October 23	Transmits copy of an extract from the <i>London Gazette</i> of 10th October announcing the appointment of Professor Smiddy ... 67

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
(c) Canada : Representation at Washington.	
1925	
99 To the Governor-General Canada, Telegram, Private and Personal July 2	Indicates question to be asked in House of Commons and proposed reply regarding the proposed appointment of a Canadian Minister at Washington. Requests as long notice as possible of arrangements which Prime Minister may have in mind ... 68
100 The Governor-General Canada, Telegram, Private and Personal July 3	Forwards message from Prime Minister stating that while Canadian Government has intimated the intention of appointing a Minister to Washington, no steps will be taken without first communicating with the British Government ... 68
1926	
101 To the Governor-General Canada, Telegram, Private and Personal September 24	Refers to Press reports of contemplated appointment of Mr. Vincent Massey as Canadian Representative at Washington and presumes that Mr. Mackenzie King's undertaking that no such steps would be taken without prior communication with His Majesty's Government still holds good ... 68
102 The Governor-General Canada, Telegram, Private and Personal September 25	States in reply to No. 101 that Prime Minister states that question will not be settled until after his arrival at the Imperial Conference ... 69
103 The Governor-General Canada, 542 November 16 (Rec. Nov. 27)	Transmits copy of Privy Council Minute recommending the appointment of Mr. Vincent Massey as Canadian Minister at Washington ... 69
104 To the Governors-General and Governor Commonwealth of Australia, 411, New Zealand, 265, Union of South Africa, 420, Irish Free State, 419, Newfoundland, 172 December 31	Transmits a copy of No. 103 together with copies of correspondence between His Majesty's Representative at Washington intimating that the appointment of a Canadian Minister at Washington is acceptable to the United States Government. States that the King has approved the appointment of Mr. Massey to the post ... 70

(d) United States : Representation at Ottawa and Dublin.

1926	
105 To the Governor-General Canada, Telegram December 8	States that it is the intention of the United States Government to appoint Ministers at Ottawa and Dublin, and requests views of Prime Minister. Considers that when official communication is made to Ottawa and Dublin proposal should be communicated simultaneously to other Dominions ... 72
106 The Governor-General Canada, Telegram December 9	States that the appointment of a United States Minister at Ottawa would be entirely agreeable to the Canadian Government ... 72
107 Mr. L. S. Amery to Mr. W. T. Cosgrave December 9	States that it is the intention of the United States Government to appoint Ministers at Ottawa and Dublin and requests views. Considers that when an official communication is made to Ottawa and Dublin, the proposal should be communicated simultaneously to the other Dominions ... 73
108 Mr. W. T. Cosgrave to Mr. L. S. Amery December 13	States that the appointment of a United States Minister at Dublin will be most agreeable to the Irish Free State Government ... 73

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1926	
109 To the Governor-General Canada, Telegram December 24	States that the Foreign Office has received verbal intimation of the proposed appointment of United States Ministers at Ottawa and Dublin, together with an enquiry as to the presentation of credentials. Requests Ministers' views as to the proposed appointment at Ottawa and suggests procedure regarding credentials ... 73
110 To the Governors-General and Governor Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram December 24	Transmits copy of No. 109... ... 74
111 The Governor-General Canada, Telegram December 28	States that the appointment of a United States Minister at Ottawa would be entirely agreeable. Agrees as to proposed procedure regarding credentials ... 74
112 To the Governor-General Irish Free State, Confidential December 28	States that the Foreign Office has received verbal intimation of the proposed appointment of United States Ministers at Dublin and Ottawa, together with an enquiry as to the presentation of credentials. Requests Ministers' views as to the proposed appointment at Dublin and suggests procedure with regard to credentials ... 74

IV. APPOINTMENT OF AN AUSTRALIAN LIAISON OFFICER IN LONDON.

(Section VI of Report of Inter-Imperial Relations Committee of the Imperial Conference of 1926, page 27 of Cmd. 2768)

1924	
113 The Governor-General Commonwealth of Australia, Telegram November 19 (Rec. Nov. 20)	States that Mr. R. G. Casey has been appointed to act as Liaison Officer and indicates the duties he will perform ... 75
1925	
114 To the Governor-General Commonwealth of Australia, Telegram January 1	States that every endeavour will be made to enable Mr. Casey to fulfil functions described in No. 113... 76
115 To the Governor-General Commonwealth of Australia, Telegram January 1	Indicates details of arrangements made for Mr. Casey ... 76

V. ESTABLISHMENT OF SECRETARYSHIP OF STATE FOR DOMINION AFFAIRS.

1925	
116 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Telegram June 10	Quotes reply to be given to a question in the House of Commons announcing the establishment of the Dominions Office ... 76

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1925	
117 To the Governor-General Canada, Telegram June 17	Quotes reply to be given to a question in the House of Commons regarding the arrangements for direct com- munications between Prime Ministers... 77
118 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, New- foundland, Telegram July 9	Notifies appointment of Mr. Amery as Secretary of State for Dominion Affairs ... 77
119 House of Commons July 27	Extract from Debates regarding the separation of the Dominions and Colonial Offices ... 78

VI. ISSUE OF EXEQUATURS TO FOREIGN CONSULS IN THE DOMINIONS
(Section V (d) of Report of the Inter-Imperial Relations Committee of the
Imperial Conference of 1926, page 26 of Cmd. 2768.)

1926	
120 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, New- foundland, Telegram November 25	States that the question was raised at the Imperial Conference as to the procedure regarding the issue of Exequaturs to foreign Consuls in the Dominions, and gives particulars of the procedure to be adopted in future ... 82
121 To the Governor-General Commonwealth of Aus- tralia, Telegram November 25	Presumes that the practice of consulting State Govern- ments as well as Commonwealth Government with regard to proposed consular appointments should not be applied to proposed appointments of Consuls de Carrière. Will assume, with regard to future issue of Exequaturs, that the only signature to be appended will be that of the Commonwealth Minister ... 83
122 To the Governor-General Irish Free State, 398 November 30	Transmits copy of No. 120 ... 83
123 The Governor-General New Zealand, Telegram December 12	States that the new procedure regarding the issue of Exequaturs to foreign Consuls, outlined in No. 120, is satisfactory to the New Zealand Government. In cases where application is made for an Exequatur in respect of an appointment provisionally recognized by or resulting from a recommendation made by the New Zealand Government, consultation will not be neces- sary before the Exequatur is prepared ... 83
124 The Governor-General Union of South Africa, Telegram ... December 15	Ministers have no objections to raise against the new procedure regarding the issue of Exequaturs to foreign Consuls in the Dominions, outlined in No. 120 ... 84

VII. INTERNATIONAL STATUS OF THE DOMINIONS—

Memoranda and Statements regarding—

1921	
125 General Smuts	Memorandum on Constitutional Relations ... 84

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
126 Union of South Africa April 13	Extract from a speech by General Smuts at Cape Town on the political situation... 90
1925	
127 May 2	Extract from a speech made by His Royal Highness the Prince of Wales at a dinner given by Government at the Houses of Parliament, Cape Town... 91
128 New Zealand, House of Representatives September 1	Question asked in the House of Representatives regard- ing the status of the Dominions in the foreign policy of the Empire and the Prime Minister's reply thereto 92
1926	
129 Union of South Africa April 23	Extract from the <i>Cape Times</i> reporting on statements made by General Hertzog and General Smuts on the International status of the Union ... 92
130 Union of South Africa May 17	Extract from the <i>Cape Times</i> reporting a speech by General Hertzog at Stellenbosch regarding the Inter- national status of the Dominions ... 95
131 Union of South Africa May 29	Extract from the <i>Cape Times</i> reporting upon a speech made by General Hertzog in the House of Assembly in reply to a question by General Smuts ... 101
132 Irish Free State, Dail Eireann ... June 2	Extract from Dail Eireann Debates giving a statement by the Minister for External Affairs ... 105
133 Irish Free State, Dail Eireann ... June 3	Extract from Dail Eireann Debates giving a statement by the Minister for External Affairs regarding the position of the Free State in case of war ... 106
134 Canada, House of Commons June 21	Extract from Canadian Debates containing a statement by the Prime Minister regarding the obligation of the Dominion to participate in foreign wars ... 107
135 House of Lords July 27	Extract from House of Lords Parliamentary Debates containing a statement by Lord Balfour regarding the relations in which the Dominions stood to this country in case of difficulty ... 109

**VIII. IMPERIAL CONFERENCES : STATEMENTS IN THE DOMINIONS ON THE
CHARACTER OF—**

1924	
136 Union of South Africa, House of Assembly January 29	Extract from Debates quoting a passage from a state- ment by the Prime Minister showing the nature of the Imperial Conference and the binding character of the resolutions taken by it ... 110
137 Canada, House of Commons March 14	Extract from a speech by Mr. Lapointe regarding deci- sions made at Imperial Conferences ... 111
138 Canada, House of Commons March 20	Extract from Debate on Canada's constitutional powers 111
139 Commonwealth of Aus- tralia, Senate and House of Representa- tives ... March 27	Extract from the Official Report of the Debate on the Imperial and Economic Conferences, 1923 ... 112

IX. IMPERIAL CONFERENCE, 1926: STATEMENTS IN THE DOMINIONS AS TO REPORT OF THE INTER-IMPERIAL RELATIONS COMMITTEE.

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1926	
140 Canada, House of Commons December 13	Extracts from a speech made by the Rt. Hon. W. L. Mackenzie King on 13th December, 1926, during the debate on the Address in Reply to the Governor-General's speech at the opening of the Session ... 113
141 Union of South Africa December 14	Extract from a speech made by General Hertzog at Cape Town as reported in the <i>Cape Times</i> ... 117
142 Union of South Africa December 14	Extract from a speech made by General Hertzog at a luncheon given in his honour at Cape Town on 13th December, as reported in the <i>Cape Times</i> ... 118
143 Irish Free State, Dail Eireann ... December 15-16	Extracts from Dail Debates containing statements by the Minister for External Affairs and the Minister for Justice ... 121
144 Union of South Africa December 21	Extract from a speech made by General Hertzog at Pretoria on 20th December, 1926, as reported in the <i>Rand Daily Mail</i> ... 139

X. CANADIAN POLITICAL SITUATION, JULY, 1926.

Correspondence regarding—

1926	
145 The Governor-General, Canada, Telegram, Secret ... June 30 (Rec. July 1)	Explains his views on the right of a Governor-General to grant or refuse a dissolution, and reports upon the effect of his recent refusal ... 144
146 The Governor-General Canada, Telegram, Secret ... June 30 (Rec. July 1)	Quotes text of letter from Mr. Mackenzie King, dated 28th June, tendering his resignation as Prime Minister on the refusal of the Governor-General to grant a dissolution, and requesting in view of possible serious consequences of refusal to dissolve Parliament, that matter be referred to the British Government ... 145
147 The Governor-General Canada, Telegram, Secret ... June 30 (Rec. July 1)	Quotes text of reply to Mr. King's letter quoted in No. 146 ... 146
148 To the Governor-General Canada, Telegram, Personal and Secret July 1	Agrees that matter is one concerning Canadian internal affairs in which British Government could not intervene ... 146

XI. THE POSITION OF THE CROWN IN RELATION TO THE DOMINIONS.

1926	
149 Sir M. Hankey to Mr. E. J. Harding November 29	Encloses copy of letter received from Lord Stamfordham stating that the King has read in the <i>Sunday Times</i> an article by Sir Sidney Low and wishes to know what will be the result of the change agreed upon by the Imperial Conference ... 147
150 Mr. L. S. Amery to Sir Sidney Low November 29	Gives observations on certain inferences which are drawn in an article in the <i>Sunday Times</i> on the Imperial Conference ... 148
151 Mr. E. J. Harding to Sir M. Hankey December 4	Comments upon the article by Sir Sidney Low and suggests a reply which might be sent to Lord Stamfordham ... 148

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1926	
152 Sir S. Low to Mr. L. S. Amery December 4	Forwards observations on No. 150 ... 150
153 Sir M. Hankey to Lord Stamfordham December 6	Forwards a copy of No. 151 ... 151
154 Mr. L. S. Amery to Sir S. Low December 15	Comments upon the view expressed in No. 152 regarding the relationship of the Crown to the Dominions and the manner in which the King is to be advised regarding the affairs of any Dominion... 151
155 Sir S. Low to Mr. L. S. Amery December 17	Submits further comments and suggests that the report of the Conference is obscure ... 152

XII. IRISH BOUNDARY NEGOTIATIONS.

156	Diary of principal events from 1921-1925... 153
-----	---

XIII. IRISH FINANCIAL SETTLEMENT—SUMMARY OF CORRESPONDENCE REGARDING ARTICLE V OF THE ARTICLES OF AGREEMENT OF 6th DECEMBER, 1921.

157	Summary of correspondence, 1924-1925 ... 161
-----	--

XIV. FORM OF IRISH FREE STATE PASSPORTS.

1923	
158 The Governor-General Irish Free State, 38 March 2 (Rec. March 5)	Encloses copy of proposed form of passport and requests views ... 161
159 To the Governor-General Irish Free State, 171 March 27	Suggests amendments to the form of passport enclosed in No. 158, and indicates methods adopted in this country to prevent forgery, erasures, and insertion of additional pages ... 162
160 The Governor-General Irish Free State, 139 May 22 (Rec. May 23)	Agrees that the passports should conform to the "International type" and accepts the phraseology proposed in No. 159. Cannot accept the contention that the Irish Free State is precluded from issuing passports to all its citizens ... 164
161 To the Governor-General Irish Free State, 479 August 10	States that His Majesty's Government will not object to the issue of passports by the Free State Government to Free State citizens possessing foreign nationality, on the understanding indicated, and that particular importance is attached to there being a clear indication whether the holder is or is not a British subject. Suggests arrangements regarding the issue of passports to persons normally resident in other parts of the British Empire who apply in London or Dublin ... 165

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
162 The Governor-General Irish Free State, 339 November 27 (Rec. November 28)	States that the proposals contained in No. 161 meet with general approval but that as the "Request" in the passport is addressed solely in the name of His Majesty, the status of British subjects is clearly indicated and needs no further definition in the body of the passport ... 167
163 To the Governor-General Irish Free State, 722 December 14	Indicates reason why the proposal to exclude the definition "British subject" cannot be accepted and states that there is no reason why the description "Citizen of the Irish Free State" should not follow that of the category of British subject to which the holder of the passport belongs. Suggests 1st January, 1924, would be a convenient date for the transfer to the Free State Government of the general issue, renewal, and endorsement of passports for persons normally resident in the Irish Free State... 168
1924	
164 Mr. J. H. Thomas to Mr. A. Ponsonby February 9	States that the Colonial Office has been asked to arrange for Mr. Fitzgerald to see him and indicates the point at issue ... 169
165 Mr. A. Ponsonby to Mr. J. H. Thomas February 16	Encloses summary of conversation with Mr. Fitzgerald 170
166 The Governor-General Irish Free State, 80 March 4 (Rec. March 6)	Suggests a way of meeting the difficulties regarding the description of the holders of passports issued by the Free State Government... 171
167 To the Governor-General Irish Free State, 217 April 5	Refers to the instructions issued to British representatives abroad and states that after consideration of No. 166, His Majesty's Government do not see their way to introducing any amendments or modifications 171
168 The Governor-General Irish Free State, 122 April 7 (Rec. April 10)	States that the issue of Irish Free State passports was begun on 3rd April ... 172
169 To the Governor-General Irish Free State, 288 May 13	States that it has been found impossible to authorize the endorsement of passports in which the description "British subject" does not appear and the British Consular and Passport Control Officers in foreign countries have been informed. It is proposed to bring the circumstances to the notice of the other Governments within the Empire... 172
170 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, New- foundland, Confiden- tial (2), Southern Rhodesia, Confidential June 11	Transmits copies of Circulars sent to Consular and Passport Control Officers and requests that they may be brought to the notice of all officers concerned... 173
171 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, New- foundland, Confiden- tial ... June 12	Forwards copies of correspondence with the Irish Free State Government ... 174

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
172 The Governor-General Union of South Africa, Confidential ... August 8 (Rec. Aug. 26)	Forwards copy of Ministers' Minute stating that it is considered that the question is a matter between the Free State and British Governments and their recognition of the passports for the present cannot prejudice the matter. Understands that the description upon which the Free State Government insists clearly implies that citizens of the Irish Free State are also subjects of His Britannic Majesty ... 175
173 The Governor-General New Zealand, Con- fidential ... August 13 (Rec. Sept. 16)	States that Ministers advise that action will be taken as desired in No. 170 ... 176
174 The Deputy Governor- General Commonwealth of Aus- tralia, Confidential September 10 (Rec. Oct. 21)	States in reply to No. 170 that it is not proposed to refuse the holders of the passports described permis- sion to land in Australia, but Passport Officers are being instructed that they should not affix any en- dorsement or visa to such passports or otherwise recognize them ... 176
175 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, New- foundland, Southern Rhodesia, Confidential November 20	Forwards copy of a Circular sent to Consular and Pass- port Control Officers regarding the action to be taken when Irish Free State passports which do not contain the description "British subject" are presented ... 176
1926	
176 To the Governor-General Irish Free State, 396 November 27	Indicates settlement suggested by Mr. Fitzgerald and states that His Majesty's Government are ready to concur on the understanding that if any applicant for a passport desires to obtain a passport in which he is described as a "British subject" he can obtain such a passport. Enquires whether the proposals are in accordance with the wishes of Ministers ... 177
177 Mr. H. F. Batterbee to Mr. D. Fitzgerald November 27	States that the change in the title of the King on the passports must wait until the necessary legislation is passed and that it might be thought desirable to make the change in the issue of passports by the Minister of External Affairs instead of the Governor-General at the same time. States that on hearing that the settlement proposed is accepted, Consular and Pass- port Control Officers will be instructed to waive the objection to any passports containing the description hitherto issued by the Irish Free State... 178
XV. OFFICIAL CHANNEL OF COMMUNICATION BETWEEN HIS MAJESTY'S GOVERNMENTS IN GREAT BRITAIN AND IN THE DOMINIONS. (Section IV (b) of Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926, page 16 of Cmd. 2768).	
1926	
178 Mr. L. S. Amery to Mr. T. M. Healy December 24	States that it would be most appropriate for any proposals for change to come from those Dominion Governments which desire it. Considers that it would probably be convenient if the change could take effect on the same date for all Dominions and suggests 1st July, 1927. Suggests a plan as regards ceremonial messages from His Majesty the King ... 178

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1926	
179 To the Governors-General Canada, Union of South Africa, Tele- gram, Private and Personal ... December 24	States that it would be most appropriate for any proposals for change to come from those Dominion Governments which desire it. Considers that it would probably be convenient if the change could take effect on the same date for all Dominions and suggests 1st July, 1927. Suggests a plan as regards ceremonial messages from the King ... 179
180 To the Governor Newfoundland, Private and Personal, Telegram December 24	States that it was gathered from conversation with Prime Minister before his departure that he had not contemplated any change at present in official channels of communication as regards Newfoundland 180
181 The Governor-General Canada, Telegram December 29 (Rec. Dec. 30)	States that Ministers consider it advisable to institute procedure of direct communication between Government and Government as soon as possible, and enquires as to the earliest date upon which it would be convenient to begin the new procedure ... 180

CONSTITUTIONAL RELATIONS OF THE EMPIRE.

I. EXTRA-TERRITORIAL LEGISLATION (Section IV (c) of Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926, pages 16 to 18 of Cmd. 2768).

270

No. 1.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1st January, 1923.)

[Answered by No. 8.]

(Secret.)

MY LORD DUKE,

Government House, Ottawa, 19th December, 1922.

WITH reference to Mr. Churchill's Secret despatch of the 18th August, 1921,* I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada, relative to the proposed amendment of the British North America Act respecting extra-territorial legislation.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 1.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 11TH DECEMBER, 1922.

(P. C. 2494.)

THE Committee of the Privy Council have had before them a Report, dated 16th November, 1922, from the Minister of Justice, representing that he has had under consideration the despatch (Secret) of the Right Honourable the Secretary of State for the Colonies of 18th August, 1921, with regard to the proposed amendment to the British North America Act, 1867, respecting extra-territorial legislation. Mr. Churchill states that he has been in communication with the Law Officers of the Crown with a view to the advisability of submitting an alternative form of enactment, and that after careful consideration they propose the substitution of the following, viz. :—

"An enactment of the Parliament of Canada may operate extra-territorially, provided that, and in so far as such extra-territorial operation is ancillary to, and necessary for, its enforcement as a law for the peace, order, and good government of Canada."

The Minister, therefore, while expressing his preference for the form of enactment in the Order-in-Council of 5th February, 1920, is expressed as follows :—

"An enactment of the Parliament of Canada otherwise *intra vires*, shall operate, and be deemed to have operated, extra-territorially according to its intention in the like manner and to the same extent as if enacted by the Parliament of the United Kingdom."

The Minister, upon careful consideration, finds himself unable to realize the force of the objection to the last quoted draft which was entertained by the Law Officers of the Crown, and, moreover, he considers the alternative form submitted by Mr. Churchill's despatch unacceptable, principally because the validity of the legislation under a power so expressed may be said to depend upon whether the judicial tribunals would consider the legislation necessary; but, adopting the outline of the draft submitted by the Law Officers of the Crown, it would appear to answer the purpose if modified to read as follows :—

* No. 47 in Dominions No. 66.

"An enactment of the Parliament of Canada if expressed to operate extra-territorially shall have, and be deemed to have had, that operation if and in so far as it is a law for or ancillary to the peace, order and good government of Canada."

The Minister observes that the amendment originally proposed, and as set out ment as originally framed, submits by way of compromise, and in order to avoid further discussion, that the draft last herein quoted may be adopted as giving sufficient legislative expression to the extra-territorial authority of the Dominion.

The Committee concur in the foregoing, and submit the same for Your Excellency's approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council

270

No. 2.

COLONIAL OFFICE to LAW OFFICERS.

[Answered by No. 3.]

GENTLEMEN,

Downing Street, 26th January, 1923.

WITH reference to your predecessor's Report of the 5th August, 1921,* regarding the proposed amendment of the British North America Act, respecting extra-territorial legislation, I am directed by the Duke of Devonshire to transmit to you a copy of a despatch† on the subject from the Governor-General of Canada.

2. The Duke of Devonshire would be obliged if you would advise him whether, in your opinion, the modifications suggested by the Canadian Government in the formula proposed in your predecessor's Report are such as to render the formula open to the objection that it goes beyond the expressed wishes and intentions of the Canadian Government, and, if so, in what respects.

I am, &c.,

C. T. DAVIS.

18151

No. 3.

LAW OFFICERS to COLONIAL OFFICE.

(Received 12th April, 1923.)

Law Officers' Department, Royal Courts of Justice,

11th April, 1923.

MY LORD DUKE,

WE were honoured with Your Grace's commands signified to us in Mr. C. T. Davis's letter of the 26th January last,‡ forwarding for our consideration copy despatch from the Governor-General of Canada on the subject of the proposed amendment of the British North America Act respecting extra-territorial legislation and requesting us to furnish Your Grace with our opinion thereon.

We have taken the matter into our consideration and in obedience to Your Grace's commands have the honour to Report:—

That in our opinion the modifications suggested by the Canadian Government do not materially affect the formula proposed by our predecessors and they may properly be accepted.

We have, &c.,

DOUGLAS MCGAREL HOGG.
T. W. H. INSKIP.

* No. 46 in Dominions No. 66. † No. 1. ‡ No. 2.

17223

No. 4.

COLONIAL OFFICE TO LAW OFFICERS, AND LAW OFFICERS' REPORT.

GENTLEMEN,

Downing Street, 29th June, 1923.

I AM directed by the Duke of Devonshire to request you to take into your consideration the position resulting from Article 73 of the Constitution of the Irish Free State, which is set out in the Schedule to the Irish Free State Constitution Act, 1922 (Session 2), with regard to the extra-territorial effect of existing Imperial legislation which is thereby continued in force, and in particular with regard to the Steam Trawling (Ireland) Act, 1889, and the Fisheries (Ireland) Act, 1901.

2. Under the Steam Trawling (Ireland) Act, 1889, by-laws might be made, and have in fact been made by the Department of Agriculture and Technical Instruction for Ireland prohibiting steam trawling within areas specified in such by-laws outside the three mile limit, and the landing in Ireland of any fish caught in contravention of any such by-laws was made an offence; and under the Fisheries (Ireland) Act, 1901, penalties were imposed for the contravention of any such by-laws, irrespective of whether the fish was landed in Ireland, and summonses in respect of offences against the by-laws might be served anywhere within the United Kingdom.

3. These Acts and the by-laws made thereunder were in force in the Irish Free State at the date of the coming into operation of the Constitution and, therefore, in accordance with Article 73 of the Constitution, until they have been repealed or amended by the Free State Parliament, they remain of full force and effect in that State to the extent to which they are not inconsistent with the Constitution.

4. Section 2 of the Constitution of the Irish Free State (Saorstát Éireann) Act, 1922, which is set forth in the Schedule to the Irish Free State Constitution Act, 1922 (Session 2), provides that the Constitution shall be construed with reference to the Articles of Agreement for a Treaty between Great Britain and Ireland and that, if any provision of the Constitution, or of any law made thereunder, is in any respect repugnant to any of the provisions of the Treaty, it shall, to the extent only of such repugnancy, be absolutely void and inoperative.

5. The Articles of Agreement referred to provide that Ireland shall have the same constitutional status as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand and the Union of South Africa, and that the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada.

6. I am to enclose a memorandum which has been prepared in this Department as to various points which arise in the present connexion, and to ask for the favour of your report at your early convenience on the following questions:—

(I) Whether the Act of 1889 together with the by-laws made thereunder before December, 1922, and the Act of 1901, are continued in force in the Irish Free State under Article 73 of the Constitution with the same extra-territorial effect as before the establishment of the Irish Free State.

(II) If the answer to the preceding question is in the affirmative

(a) Whether the Ministry of Agriculture of the Irish Free State (to which Department the functions of the Department of Agriculture and Technical Instructions have been transferred), has power under the Act of 1889 to make further by-laws with extra-territorial effect.

(b) Whether the Irish Free State Parliament can either amend the Acts of 1889 and 1901, or pass any new legislation *in pari materia*, in either case with extra-territorial effect.

(III) If the answer to question number (1) is in the negative, what is the present position with regard to the Acts and by-laws in question.

(IV) Generally as to the power (if any) of the Irish Free State Parliament under the Articles of Agreement and the Constitution to legislate with extra-territorial effect.

7. In this connexion, I am to refer to your Report of 11th April,* regarding the proposed amendment of the British North America Act, respecting extra-territorial legislation, and to inquire what bearing in your opinion the proposed

* No. 3.

concession to Canada would, in view of the terms of the Articles of Agreement, have upon the powers of the Parliament of the Irish Free State.

I am, &c.,
M. STURGIS.

The Law Officers of the Crown.

Enclosure in No. 4.

THE STEAM TRAWLING (IRELAND) ACT, 1889, AND THE FISHERIES (IRELAND) ACT, 1901.

AN important general question is raised in connexion with these Acts as to the position with regard to existing Imperial legislation having extra-territorial effect which is continued in force in the Irish Free State by Article 73 of the Irish Free State Constitution.

It seems difficult to contend that the Irish Free State Courts would not have jurisdiction to administer that existing legislation (including by-laws already made thereunder) with the same extra-territorial effect as before the establishment of the Irish Free State.

But two other questions then arise.

(a) Can the Irish Free State executive authority which has replaced or will replace the "Inspectors of Irish Fisheries" continue to make by-laws with extra-territorial effect under the first of the two Fishery Acts in question?

(b) Can the Irish Free State Parliament either amend these Acts or pass any new legislation *in pari materia*, in either case with extra-territorial effect?

It is submitted that the Irish Free State Parliament has only the Powers of a Dominion Legislature and that it would be contrary to the Treaty that that Parliament should deal with Imperial legislation continued in force in the Irish Free State under Article 73 of the Constitution as if it possessed the powers of the Imperial Parliament, and that if it passed any legislation of such a character, it would be void under section 2 of the "Constituent Act."

It would, however, be difficult to conceive a more extraordinary anomaly than that the Statute Law which the Irish Free State takes over under Article 73 of the Constitution should continue to have the same "Imperial" effect, whilst if the Irish Free State wishes to repeal or amend it, it can only substitute Statute Law having "Dominion" effect.

It might perhaps be contended that the executive of the Irish Free State cannot have wider power as to the issue of future statutory rules and orders under the continued legislation than the Irish Free State Legislature could give them by fresh legislation of its own, so that the answer to both questions (a) and (b) is in the negative, but if the answer to question (a) were held to be "yes" and the answer to question (b) to be "no" the anomaly would be even more glaring.

It may be that questions (a) and (b) are unlikely to arise with regard to the Fisheries Acts and by-laws, and that the Irish Free State will be content to carry on with them as they stand subject to any necessary adaptations, but similar questions seem bound to arise sooner or later with regard to other Acts or rules which are continued in force in the Irish Free State under Article 73 of the Constitution, and it would appear expedient for the Secretary of State to consult the Law Officers on the subject.

36590

REPORT.

We have taken the matter into our consideration and in obedience to Your Grace's commands have the honour to Report:—

1. Our answer is in the affirmative. The Acts in question were enacted by the Imperial Parliament; and there is nothing in the creation of the Irish Free State which prevents their remaining as part of the law of that country.

2. (a) This question has given us considerable difficulty. It may be contended that since the Imperial Parliament conferred the power to make by-laws in respect of extra-territorial waters on the Department of Agriculture for Ireland, and since the powers of that Department have now been transferred to the Ministry of Agriculture of the Irish Free State, that Ministry has now by virtue of the Imperial enactment the power to make such by-laws; and that if the Imperial Parliament

does not desire those powers to continue the remedy is to repeal or modify the Act conferring them. We have, however, come to the conclusion that this is not the true view and that the answer to this question is in the negative. The Irish Free State Executive has only authority to act within the limits of that Dominion, and we think that the only powers transferred to the Irish Free State Ministry must be powers to make by-laws within the limits of the Irish Free State.

2. (b) Our answer to this question is in the negative. Dominion Parliaments have only jurisdiction to legislate for matters occurring within the territorial limits of the Dominion (see *A.G.-v-McLeod*, 1891, A.C. 455).

3. This does not arise.

4. In our opinion there is at present no such power.

5. The proposed concession to Canada would alter our answer to question 2 (b). If the proposed concession were made the Canadian Parliament would have the right to legislate with extra-territorial effect, so long as the particular enactment was a law for, or ancillary to, the peace, order, and good Government of Canada. Since the position of the Irish Free State is that of the Dominion of Canada, the Irish Free State would be entitled to claim that it had the same power.

We have, &c.,
DOUGLAS MCGAREL HOGG,
T. W. H. INSKIP.

Law Officers' Department,
21st July, 1923.

36590

No. 5.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 9.]

(No. 495.)

SIR,

Downing Street, 17th August, 1923.

I HAVE the honour to request Your Excellency to communicate to your Ministers the following observations on the position which has arisen in consequence of the transfer to them of powers formerly exercised by the Department of Agriculture and Technical Instruction in Dublin.

2. Your Ministers will be aware that, prior to this transfer, by-laws were made under the Steam Trawling (Ireland) Act, 1889, and the Fisheries (Ireland) Act, 1901, directed against the prevention of steam trawling in certain areas outside the three-mile limit. These Acts and the by-laws made thereunder were in force in the Free State at the date of the coming into operation of the Constitution, and, therefore, in accordance with Article 73 of the Constitution, until they are repealed or amended by the Oireachtas, they remain in full force and effect in the Irish Free State to the extent to which they are not inconsistent with the Constitution.

3. The Articles of Agreement for a Treaty, however, in accordance with which the Constitution is to be construed, provide that Ireland shall have the same constitutional status as the Dominion of Canada, the Commonwealth of Australia, and the other self-governing Dominions, and that the position of the Irish Free State in relation to the Imperial Parliament and Government, and otherwise, shall be that of the Dominion of Canada.

4. It may be within the knowledge of your Ministers that, as a matter of history and constitutional development, it has hitherto been universally recognised that Dominion Parliaments have only jurisdiction to legislate for matters occurring within the territorial limits of the Dominion. Your Ministers will readily appreciate the importance of this principle, which has been affirmed in the Courts upon several occasions, and to which no exception has hitherto occurred.

5. Representations having been made to His Majesty's Government on the subject of the by-laws already referred to by representatives of the trawling industry in this country, the opinion of His Majesty's Law Officers has been taken on the matter, and His Majesty's Government are now advised while on the one hand the Acts referred to and all by-laws made thereunder which were unrepealed on the date on which the Constitution came into force, undoubtedly, in virtue of

Article 73 of the Constitution, remain in full force and effect, the powers conferred on your Ministers and the Oireachtas respectively are not such as to enable them to make new by-laws or pass further legislation having extra-territorial effect.

6. His Majesty's Government would be glad to learn whether your Ministers concur in this view.

I have, &c.,

DEVONSHIRE.

18151

No. 6.

COLONIAL OFFICE to LAW OFFICERS.

[Answered by No. 7.]

GENTLEMEN,

Downing Street, 13th November, 1923.

I AM directed by the Duke of Devonshire to refer to the letter from this Department of the 29th of June last,* and your Report of the 21st of July last,* with reference to the extra-territorial effect of certain Imperial Statutes in their present application to the Irish Free State, in paragraph 5 of which Report you expressed the view that if the proposal to confer power on the Canadian Parliament to legislate with extra-territorial effect were carried out, the Irish Free State, since its position under the Articles of Agreement for a Treaty between Great Britain and Ireland (which may for convenience be called the Treaty) is that of the Dominion of Canada, would be entitled to claim that it had the same power.

I am to say that the question which was raised by implication in paragraph 7 of the Reference from this Department of the 29th of June, and which the Secretary of State would now desire to put in an express form is whether under Article 2 of the Treaty the constitutional position of the Irish Free State is to be that of Canada at the date when the Treaty was signed (6th December, 1921), or whether the constitutional relations between the United Kingdom and the Irish Free State are to be affected legally and constitutionally by every change taking place after that date in the constitutional relations between the United Kingdom and Canada.

I am to explain that His Grace is informed that at the time when the negotiations for the Treaty were being carried on, it was a fundamental part of the intended settlement that the constitutional relations between the United Kingdom and the Irish Free State should be those actually at that time existing between the United Kingdom and Canada.

It was for this reason, to give one illustration, that with the concurrence of Lord Hewart (then Attorney-General) the British delegates did not press for any provision in the Treaty as to appeals to the Privy Council, since in Lord Hewart's opinion there was no doubt that the then existing position as to appeals from Canada to the Privy Council would be maintained with regard to the Irish Free State, even if appeal to the Privy Council from Canada should at any future time be abolished.

It is true that this particular point does not arise on the construction of Article 2 of the Treaty, since the prerogative of the Crown to grant special leave to appeal to the Privy Council has been expressly provided by the proviso to Article 66 of the Irish Free State Constitution, but the question of construction does arise with regard to the proposed extension of the power of the Canadian Parliament and may arise from time to time with other changes in the constitutional relations between the United Kingdom and Canada.

It is, therefore, one of the greatest possible importance, and I am directed by the Secretary of State to request you to take the construction of the Treaty again into your consideration, and to report whether on such further consideration, you are able to modify the opinion expressed in paragraph 5 of your Report of the 21st of July.*

I am, &c.,

J. E. MASTERTON SMITH.

* No. 4.

530

No. 7.

LAW OFFICERS to COLONIAL OFFICE.

(Received 4th January, 1924.)

Law Officers' Department, Royal Courts of Justice,

31st December, 1923.

MY LORD DUKE,

WE were honoured with Your Grace's commands signified to us in Sir James Masterton Smith's letter of the 13th ultimo* requesting us to furnish Your Grace with our opinion whether under Article 2 of the Treaty between Great Britain and Ireland the constitutional position of the Irish Free State is to be that of Canada at the date when the Treaty was signed (6th December, 1921), or whether the constitutional relations between the United Kingdom and the Irish Free State are to be affected legally and constitutionally by every change taking place after that date in the constitutional relations between the United Kingdom and Canada.

We have taken the matter into our consideration and in obedience to Your Grace's commands have the honour to REPORT:—

The question raised in the letter of the 13th November is one of great constitutional importance and also one of considerable difficulty.

We have, however, come to the conclusion, after carefully considering the problem, that the view expressed by Lord Hewart is the true one, and that the opinion expressed in paragraph 5 of our Report of the 21st July† should be altered accordingly.

The relevant words occur in Article 2 of the Treaty that "the law practice and constitutional usage governing the relationship of the Crown, or the representative of the Crown, and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State." It is of the essence of the British Constitution that the practice and constitutional usage governing the relationship of Great Britain to the self-governing Dominions are growing and developing from year to year; and at first sight it seems very startling to hold that in the case of Southern Ireland the practice and constitutional usage are stereotyped as if existing on a particular date, while with the rest of the Empire they are constantly altering.

We think, however, that the answer to this difficulty is to be found in the reflection that although the Treaty gives to Southern Ireland the practice and constitutional usage as existing between Great Britain and Canada at the date of the Treaty, there is nothing to prevent the development from time to time of that practice and constitutional usage in the same way as it has developed in the past, and will no doubt develop in the future, between Great Britain and the other self-governing Dominions.

The contrary view as to the construction of the Article would involve the difficulty that in theory at least Canada might hereafter surrender some of her present rights of self-government; and that it is very improbable that Southern Ireland can have agreed that her rights should depend upon arrangements made in the future between Great Britain and Canada with regard to which she might not be consulted at all.

We have, &c.,

DOUGLAS MCGAREL HOGG.
T. W. H. INSKIP.

18392

No. 8.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 9th May, 1924.

I HAVE the honour to request Your Excellency to inform your Ministers that His Majesty's Government have had under most careful consideration the Approved

* No. 6. † No. 4.

Minute of the Privy Council for Canada (P.C. 2494), of the 11th of December, 1922, relative to the proposed amendment of the British North America Act, 1867, respecting extra-territorial legislation which was forwarded in your Secret despatch of the 19th of December, 1922.*

2. His Majesty's Government are glad to be able to agree in the adoption of the modified wording suggested in the latter part of that Minute, viz., "An enactment of the Parliament of Canada, if expressed to operate extra-territorially, shall have, and be deemed to have had, that operation if and in so far as it is a law for, or ancillary to, the peace, order and good government of Canada." This wording will, they presume, be embodied in an address to His Majesty the King in substitution for that enclosed in the late Sir L. H. Davies' despatch No. 569 of the 8th of September, 1920.† On receipt of this address, His Majesty's Government will be ready to take steps to introduce a measure into Parliament amending the British North America Act, 1867, in the manner agreed upon.

I have, &c.,

J. H. THOMAS.

28020

No. 9.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th June, 1924.)

(Extract.)
(No. 227.)

SIR,

Vice Regal Lodge, Dublin, 12th June, 1924.

I HAVE the honour to advert to your despatch No. 295 of the 16th ultimo‡ and previous correspondence relative to the effect upon the Fishery By-laws made under the Steam Trawling (Ireland) Act, 1889, and the Fisheries (Ireland) Act, 1901, of the coming into operation of the Constitution of the Irish Free State, and to state that my Ministers see no reason to dissent from the view expressed by His Majesty's Law Officers that such By-laws as were in force when the Constitution came into operation continue to have full force and effect, but that any By-laws made subsequent to that date could not have extra-territorial effect.

I have, &c.,

T. M. HEALY.

Note.—No further correspondence took place prior to the Imperial Conference of 1926, and the action contemplated in paragraph 2 of No. 8 was therefore not taken. The general question of extra-territorial operation of Dominion legislation was discussed at the Imperial Conference of 1926, see Section IV (c) of the Report of the Inter-Imperial Relations Committee (pages 16 to 18 of Cmd. 2768).

* No. 1. † No. 30 in Dominions No. 66. ‡ 22664/24: reminder; not printed.

II. CONFERENCE ON CONSULTATION WITH THE DOMINIONS ON FOREIGN POLICY, ETC.

(*Note.*—Part of this correspondence was published in Cmd. 2301.)

27567

No. 10.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 6.0 p.m., 23rd June, 1924.)

TELEGRAM.

[*Answered by Nos. 18, 16, 13, 25, 20.*]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

23RD JUNE. Following from Prime Minister for your Prime Minister:—

Begins: You will probably have seen from Press reports of recent speeches of Secretary of State for the Colonies and myself in Parliament that we are concerned as to adequacy of present system of consultation with other self-governing parts of Empire on matters of foreign policy and general Imperial interest. We fully accept principle of necessity for effective arrangements for continuous consultation in all important matters of common Imperial concern, and for such necessary concerted action, founded on consultation, as the several Governments may determine (see Resolution IX of Imperial War Conference, 1917). We also realize that action to be taken as result of consultation whether at or between Imperial Conferences must be subject to constitutional requirements of each country. But we feel, as result of our experience since taking office, that system in practice has two main deficiencies.

First, it renders immediate action extremely difficult, more especially between Conferences, on occasions when such action is imperatively needed, particularly in sphere of foreign policy.

Secondly, when matters under discussion are subjects of political controversy, economic or otherwise, conclusions reached at and between Imperial Conferences are liable to be reversed through changes of Government.

Such a state of affairs inevitably leads to ineffectiveness; it also causes disappointment, and doubts are thrown on utility of whole Imperial Conference system.

What the remedy is, it is difficult to say. On the first point, i.e., the importance of securing, on occasion, rapid decisions, particularly on matters of foreign policy, it occurs to us that further examination of the Resolution on Negotiation, etc., of Treaties passed at last year's Imperial Conference might be worth while in order to consider how far that Resolution needs to be supplemented and interpreted, and whether principles embodied in it can usefully be extended to other matters affecting foreign relations.

On the second point, i.e., means of making Imperial Conference Resolutions, whether they relate to economic or other matters, more effective, what is wanted is, I think, as I indicated in a speech in Parliament on 18th June, "creation of some sort of workable machinery so that the public opinion of the whole of our Commonwealth of States should influence the policy for which the Commonwealth must be responsible."

We had in view desirability of avoiding party issues when proposing (see telegram from Secretary of State 19th June*) appointment of Economic Committee with a reference framed so as to exclude questions of tariff policy.

* No. 502 in Dominions No. 91.

One method of bringing about result desired which was mentioned by Secretary of State in recent speech in Parliament is that Imperial Conferences in future should not be confined to representatives of parties in office for time being. When it was contemplated some years ago that a special Constitutional Conference should be held, it was proposed from more than one quarter that such a Conference should be representative of Oppositions as well as Governments. On the other hand we realize that this suggestion is open to the criticism that it would tend to hamper the frank exchange of views and unrestricted inter-communication of confidential information on such matters as foreign policy and defence which have become so outstanding features of recent Conferences.

Another method might be to continue representation of Governments only but to arrange for each Government to obtain from its own Parliament beforehand a general approval, within sufficiently wide limits, of the attitude to be taken up by its representatives. Whilst avoiding the criticism of the first method, this might tend to diminish flexibility of Conference procedure.

We should like your views on these suggestions, and if you should be able to make any others they would be welcome. We ourselves have quite an open mind, and are merely exploring situation.

Our own feeling is that time has hardly come either to revive idea of Constitutional Conference or to call special meeting of Imperial Conference to consider problems outlined above. But we should like these problems given preliminary examination in near future and it has occurred to us that possible method might be to have a meeting of, say, two representatives of each country concerned who have had experience of constitutional working, to consider these problems and present a report as basis for further discussion. How would you view this idea, and, if it commends itself, what time would be most convenient for a meeting? Possibly October might be suitable as this would permit of some of Dominion delegates to next Assembly of League of Nations being amongst representatives if this were desired.

Similar telegram sent to other Prime Ministers. Ramsay MacDonald.

Ends.

—THOMAS.

27567

No. 11.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 35.]

(Confidential.)

SIR,

Downing Street, 25th June, 1924.

I HAVE the honour to transmit to Your Excellency, for communication to the President of the Executive Council, a copy of a telegram* which has been sent to the other Self-Governing Dominions containing a message from the Prime Minister regarding the present system of consultation on matters of foreign policy and general Imperial interest.

2. The Prime Minister would be glad if the President of the Executive Council, after considering this telegram, would furnish him with his views on the suggestions put forward.

I have, &c.,
J. H. THOMAS.

* No. 10.

31143

No. 12.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.20 a.m., 26th June, 1924.)

TELEGRAM.

25TH JUNE. Confidential. Following for Prime Minister from my Prime Minister:—

Begins: Your telegram of 23rd June, Confidential,* on the subject of the present system of consultation between His Majesty's Government and the other self-governing parts of the Empire on matters of foreign policy and general Imperial interest. My colleagues and myself are at present extremely occupied in winding up the present session of Parliament and unable at the moment to give to the despatch the careful consideration its importance merits. As soon as prorogation takes place we shall endeavour to give to the subject matter of the despatch our best consideration. Ends.

—BYNG.

30966

No. 13.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 3.13 p.m., 28th June, 1924.)

TELEGRAM.

28TH JUNE. Confidential. Your telegram 23rd June.* Consultation on matters of foreign policy and general Imperial interest. Following for Prime Minister from my Prime Minister:

Begins: The difficulties you point out are fully appreciated and I quite agree that a remedy is not easy to find. The point of real importance is to ensure that nothing will be done in the direction of weakening the unity of the Empire.

I fear it would not be possible for me or any other Minister to leave New Zealand for probably eighteen months but I see no objection to the appointment of a small Committee to carry out a preliminary examination of this difficult subject. If there is a general desire for such an examination it might be undertaken by men—not necessarily politicians—from different parts of the Empire who are well versed in constitutional law and procedure. Their report could be considered by the various governments before the meeting of the next Imperial Conference. Ends.

—JELlicoe.

31143

No. 14.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Commonwealth of Australia.	} Confidential.)
(New Zealand.	
(Union of South Africa.	
(Irish Free State.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 1st July, 1924.

[Not to Irish Free State: With reference to my telegram of the 23rd June*]
[To Irish Free State only: With reference to my Confidential despatch of the 25th June,† enclosing a copy of a telegram* to the other Dominions] containing a

* No. 10. † No. 11.

message from the Prime Minister on the subject of the present system of consultation on matters of foreign policy and general Imperial interest, I have the honour, at the wish of the Prime Minister, to transmit to [Your Excellency,] [you,] for communication to [Not to Irish Free State: your Prime Minister,] [To Irish Free State only: the President of the Executive Council,] the accompanying copy of a telegram* received in reply from the Governor-General of Canada.

2. Similar despatches are being sent to the Governors-General of [To Australia only: New Zealand, the Union of South Africa, and the Irish Free State, and the Governor of Newfoundland.] [To New Zealand only: the Commonwealth of Australia, the Union of South Africa, and the Irish Free State, and the Governor of Newfoundland.] [To Union of South Africa only: the Commonwealth of Australia, New Zealand, and the Irish Free State, and the Governor of Newfoundland.] [To Irish Free State only: the Commonwealth of Australia, New Zealand, and the Union of South Africa, and the Governor of Newfoundland.] [To Newfoundland only: the Commonwealth of Australia, New Zealand, the Union of South Africa, and the Irish Free State.]

I have, &c.,
J. H. THOMAS.

30966

No. 15.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(Union of South Africa.
(Irish Free State.
(Newfoundland.

Confidential.)

[My Lord,] [Sir,]

Downing Street, 3rd July, 1924.

[To Canada only: With reference to Your Excellency's telegram of the 25th of June,* containing a message from your Prime Minister] [Not to Canada: With reference to my Confidential despatch of the 1st of July†] on the subject of the present system of consultation on matters of foreign policy and general Imperial interest, I have the honour, at the wish of the Prime Minister, to transmit to [Your Excellency,] [you,] for communication to [Not to Irish Free State: your Prime Minister,] [To Irish Free State only: the President of the Executive Council,] the accompanying copy of a telegram‡ from the Governor-General of New Zealand.

2. Similar despatches are being sent to the Governors-General of [To Canada: the Commonwealth of Australia, the Union of South Africa, and the Irish Free State, and the Governor of Newfoundland.] [To Australia: Canada, the Union of South Africa, and the Irish Free State, and the Governor of Newfoundland.] [To the Union of South Africa: Canada, the Commonwealth of Australia, and the Irish Free State, and the Governor of Newfoundland.] [To the Irish Free State: Canada, the Commonwealth of Australia, and the Union of South Africa, and the Governor of Newfoundland.] [To Newfoundland: Canada, the Commonwealth of Australia, the Union of South Africa, and the Irish Free State.]

I have, &c.,
J. H. THOMAS.

34006

No. 16.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.48 a.m., 16th July, 1924.)

TELEGRAM.

[Answered by No. 21.]

16TH JULY. Confidential. Following for Prime Minister from my Prime Minister:—

Begins: Your telegram of 23rd June.§ My Government has noted the statements by the Secretary of State for the Colonies and yourself in Parliament affirming the principle of full consultation with the self-governing

* No. 12. † No. 14. ‡ No. 13. § No. 10.

parts of the Empire on matters of foreign policy and general Imperial interest. We note also that you accept the principle of necessity for an effective arrangement for continuous consultations in important matters of common Imperial concern and for such concerted action as the several Governments may determine.

My Government has given a great deal of consideration to this most important question, and notes with pleasure your Government's acceptance of the basic principle.

It is, of course, obvious that in practice there are two main difficulties in establishment of an effective system of joint consultation and action, namely (a) the impossibility of full exchange of views when the Imperial Conference is not sitting, particularly in the sphere of foreign policy where immediate action is imperative, and (b) the possibility of conclusions of Imperial or Economic Conferences being reversed through change of government.

The problems which have to be considered appear to divide themselves into: (1) the manner in which an Imperial policy should be laid down in regard to matters of common Empire interest, such as foreign policy, defence, and inter-Empire trade. (2) How should consultations take place with regard to giving effect to such policy when determined upon and for its alteration where necessity arises? (3) What steps can be taken to ensure that any common policy arrived at will be given effect to irrespective of change of government in different parts of the Empire?

With regard to (1) it is now an established principle of Empire Government that Prime Minister Conferences shall take place at frequent intervals. At these Conferences a common Empire policy on questions of Imperial interest can be arrived at and submitted by the respective Prime Ministers to their individual Parliaments for their ratification and assent. (*More follows.*)

—FORSTER.

(Continuation received Colonial Office 4.5 p.m., 16th July, 1924.)

Following is continuation of my Confidential telegram of to-day. Consultation with the self-governing Dominions:—

The machinery for ensuring a common policy therefore already exists by holding of the Imperial Conferences, and no alteration of existing practice appears either necessary or desirable.

(2) It is unavoidable that questions of urgent foreign policy must be dealt with according to the circumstances in which they arise, and they are therefore in an entirely different category from other matters upon which a common policy may have been determined at an Imperial Conference. It appears to my Government therefore that no alteration in the underlying principle of consultation which at present exists is practicable, but considerable improvement could be effected in the operation of such machinery. These improvements should be on lines of (a) a closer liaison between the Foreign Office and Dominion Governments, which could be effected by the establishment by the Dominions of a Foreign Office Branch in their High Commissioners' Offices under the control of an officer of such standing and character as to enjoy the confidence of the Foreign Office; such a representative would be in a position to keep his Prime Minister informed in regard to current events and atmosphere in connexion with foreign policy, in addition to information which is conveyed by cable to the Prime Minister and by information at present sent from time to time by the Foreign Office. (b) Fuller and more regular advice in regard to all questions of foreign affairs, both by cable and mail, than is at present forwarded to the Prime Ministers of the self-governing Dominions. (c) Greater efforts to anticipate questions which are likely to arise and require urgent decision, with a view to ascertaining the views of the Dominions in advance in place of informing them of decisions after they have been arrived at and acted upon or when it is too late for any alternative action to be submitted.

With regard to questions other than foreign policy, my Government is of opinion that the establishment of a permanent Imperial Secretariat responsible to the Prime Ministers of all the self-governing parts of the

Empire whose task would be to prepare the Imperial Conferences, carry out all Secretariat work during the sittings of such Conferences, follow up all Resolutions and decisions arrived at, and keep the Dominions constantly informed of developments between the Conferences, would go a long way towards solving the problem of effective and continuous consultation. This Secretariat would also embrace existing Imperial Committee(s) such as the War Graves and Shipping, and the Economic Committee when established. It would not merely be a connecting link between the individual Dominion Governments and the British Government, but also between the Governments of the different Dominions. At the present time the Secretariat for Imperial Conferences is provided by the British Government, together with representatives of the Dominions concerned, but immediately the Conference is over the Secretariat is broken up, and no effective machinery exists for keeping the Dominions continuously informed as to developments or alterations necessitated by changed circumstances. In the opinion of my Government a great improvement would be effected by the establishment of a permanent Imperial Secretariat.

With regard to ensuring that any common policy arrived at at Imperial Conferences will be given effect to irrespective of change of Government, this appears to my Government to be quite impossible of definite solution. It appears to us, however, that the (?) task of holding this great Empire together, which is so dependent on giving effect to a common policy arrived at at Imperial Conferences, should be raised above the ordinary level of domestic policy and not subordinated to local political issues. We are of opinion that the British Government should give greater consideration to the considered views of the Dominion Governments than in the past, otherwise all our efforts towards effective consultations and formulation of common policy will be futile.

Your suggestion that party issues might be avoided by inclusion in Imperial Conference delegations of representatives of all parliamentary parties is, in our opinion, not likely to achieve the result desired. As you state, it would tend to hamper that frank exchange of views and unrestricted inter-communication of confidential information on such matters as foreign policy and defence. Furthermore, it might easily lead to serious consequences on the return of the delegations to their respective countries. The leader of the Government and of the Opposition would respectively feel compelled to relate his version of the Conference and his reasons for agreement (or) disagreement with conclusions arrived at.

Secrecy in these circumstances would be impossible. Further, an atmosphere of political controversy would inevitably obtrude into the Conference itself, and present free and unfettered discussions between men who at the time are actually shouldering responsibilities of the Government in their respective countries would disappear. My Government does not believe this suggestion would effect the result desired, but, on the contrary, believes that it would tend to increase further the difficulties which are at present experienced.

Your second suggestion that each Government shall obtain from its own Parliament beforehand a general approval within sufficiently wide limits of the attitude to be taken up by its representative is one which the Commonwealth Government(s) have almost invariably followed. As, however, the conclusions of such Conferences must always be ratified by the respective Parliaments, my Government does not consider this suggestion material aid in finding a solution.

We appreciate your attempt to explore the situation and agree as to the importance of finding a solution. We feel, however, that solution will be gradually evolved and consider that our object is more likely to be defeated than attained by undue precipitance.

The existing arrangements for the formation of a common Imperial policy and for subsequent consultation form the basis of a system which in the future may well become effective.

In these circumstances we do not see that any advantage is to be gained by the appointment of representatives to consider this problem and present a report as a basis for further discussion. All points at present under discussion were present to the minds of the Prime Ministers at the Imperial

Conference held last year, but it was unanimously felt that the best course to pursue was to allow the situation to solve itself by gradual evolution rather than by immediate definite action.

My Government therefore does not propose to send representative(s) to a conference to discuss these questions, but is prepared during the interval until the next Imperial Conference is held to explore further any suggestions that may be put forward, and also to offer for similar consideration by other governments concerned any improvements in the existing machinery which may occur to us. *Ends.*

—GOVERNOR-GENERAL.

34006

No. 17.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.	} Confidential.)
(New Zealand.	
(Union of South Africa.	
(Irish Free State.	
(Newfoundland.	

SIR,

Downing Street, 24th July, 1924.

WITH reference to my Confidential despatch of the [Not to New Zealand: 3rd of July,*] [To New Zealand: 1st of July,†] on the subject of the present system of consultation on matters of foreign policy and general Imperial interest, I have the honour, at the wish of the Prime Minister, to transmit to [Your Excellency,] [you,] for communication to [Not to Irish Free State: your Prime Minister,] [To Irish Free State: the President of the Executive Council,] the accompanying copy of a telegram‡ from the Governor-General of the Commonwealth of Australia.

2. Similar despatches are being sent to the Governors-General of [To Canada: New Zealand, Union of South Africa, Irish Free State, and Governor of Newfoundland.] [To New Zealand: Canada, Union of South Africa, Irish Free State, and Governor of Newfoundland.] [To Union of South Africa: Canada, New Zealand, Irish Free State, and Governor of Newfoundland.] [To Irish Free State: Canada, New Zealand, Union of South Africa, and Governor of Newfoundland.] [To Newfoundland: Canada, New Zealand, Union of South Africa and Irish Free State.]

I have, &c.,
J. H. THOMAS.

3781C

No. 18.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.30 a.m., 8th August, 1924.)

TELEGRAM.

[Answered by No. 23.]

7TH AUGUST. Following from Prime Minister for your Prime Minister:—

Begins: Re preliminary meeting Inter-Imperial consultation, our Government has now considered proposals set out in your telegram of 23rd June.§ We agree as to the desirability of more definite understanding on matters therein referred to. Questions are not new and very marked progress has been made in their clarification and solution, particularly in recent years. Whilst finality is not possible in constantly changing situation, doubtless further steps can be taken. Difficulty is inherent in existence of several self-governing communities scattered over the globe with, in large

* No. 15. † No. 14. ‡ No. 16. § No. 10.

part, different neighbours and different problems, and is increased by absence of precedent for the experiment in co-operation which members of British community of nations are working out. We believe with goodwill which has always prevailed, it can continue to be met.

As to first of specific proposals, we agree that it would be helpful to consider possibilities of further extension of principle embodied in Resolution on negotiation, etc., of treaties. Second proposal does not appear feasible. It is undoubtedly inconvenient to have reversal of policy, but this liberty must be assured so long as separate Parliaments exist and electors are to be free to have policy determined in accordance with their wishes. As a matter of fact even with change in Government there is very considerable measure of continuity of essential policy. Proposal to have all parties represented in the Imperial Conferences with a view to preventing policy agreed upon thereat being rejected by existing or future Parliaments would seem to imply setting up a new body supreme over the several Parliaments. We regard the Imperial Conference as Conference of Governments of which each is responsible to its own Parliament and ultimately to its own electorate and in no sense as Imperial Council determining the policy for the Empire as a whole. We would deem it most inadvisable to depart in any particular from this conception which is based on well established principles of Ministerial responsibility and the supremacy of Parliament. We consider that with respect to all Imperial Conference resolutions or proposals each Government must accept responsibility for its attitude and the Opposition or Oppositions be free to criticize; with Parliament(s) and if occasion arises people(s) deciding the issues.

As to approval by Parliament in advance of the attitude to be taken by our representative we feel that this could be given only where Parliament had knowledge in advance of specific questions to be considered and in the light of the then existing circumstances. We agree that even in such cases adoption of this method might tend to diminish the flexibility of Conference procedure.

We share the feeling expressed in your message that the time has hardly come either to revive the idea of constitutional Conference or to call a special meeting of the Imperial Conference to consider these problems. We would be prepared, however, to take part in the manner suggested in meeting in the near future for preliminary examination of these problems and preparation of Report as basis for further discussions provided that other parts of the Empire agree and date convenient for all can be found. Early in October would appear to us to be the most convenient time for such meeting. *Ends.*

—BYNG.

Note.—Copy sent to the Commonwealth of Australia, New Zealand, the Union of South Africa, the Irish Free State and Newfoundland by despatch, 20th August.

38314

No. 19.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.40 a.m., 11th August, 1924.)

TELEGRAM.

[Answered by No. 22.]

11TH AUGUST. Confidential. Your telegram 23rd June,* my telegram 28th June.† Consultation on matters of foreign policy and general Imperial interest. My Prime Minister would be glad to learn whether, as a result of your communication with the Dominions, there is a general desire for the appointment of proposed Committee to undertake preliminary examination, and, if so, what has been decided. Mr. Massey has been questioned in Parliament on the subject.

—GOVERNOR-GENERAL

Note.—Copies sent to Canada, the Commonwealth of Australia, the Union of South Africa, the Irish Free State, and Newfoundland by despatch, 20th August.

* No. 10. † No. 13.

39456

No. 20.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 2.15 a.m., 17th August, 1924.)

TELEGRAM.

16TH AUGUST. Your telegram of 23rd June.* Your telegram of 14th August.† Imperial Conferences. My Prime Minister desires me to state, for the information of the Prime Minister, that the proposal that the Opposition as well as the Government should be represented at the Conference or that the Government should obtain general approval by Parliament in advance does not favourably impress him or seem practicable, that the whole subject is too large and intricate seemingly for discussion by correspondence, and that preliminary examination such as Prime Minister suggests would seem essential to progress. If the Prime Minister will advise date most suitable to the others, my Prime Minister will arrange for representatives as suggested.—ALLARDYCE.

Note.—Copies sent to Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and the Irish Free State, by despatch, 27th August.

38314

No. 21.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.5 p.m., 18th August, 1924.)

TELEGRAM.

[Answered by No. 26.]

CONFIDENTIAL. Following from Prime Minister for your Prime Minister:—

Begins: I have been waiting to reply to your message 16th July‡ containing views of Commonwealth Government on suggestions referred to in my message 23rd June* as to consultation with Dominions on foreign policy, etc., until I had received replies from other Dominions. Reply of Prime Minister of New Zealand forwarded in Secretary of State's Confidential despatch 3rd July.§ Reply of Prime Minister of Canada recently received and is being sent by mail. Gist is as follows:—

Begins: Canadian Government agree that it would be helpful to consider possibilities of further extension of principle embodied in 1923 Resolution on negotiation, etc., of treaties. Proposal to have all political parties represented at Imperial Conference does not appear feasible. Canadian Government regard Conference as Conference of Governments of which each is responsible to its own Parliament and ultimately to its own electorate, and in no sense as Imperial Council determining policy for Empire as a whole, and would deem it most inadvisable to depart in any particular from this conception which is based on well-established principles of Ministerial responsibility and supremacy of Parliament. Canadian Government share feeling that time has hardly come either to revive idea of Constitutional Conference or to call special meeting of Imperial Conference to consider problems, but would be prepared to take part in meeting in near future for preliminary examination of problems and preparation of report as basis for further discussions provided that other parts of Empire agree and date convenient for all can be found. Early in October would appear most convenient time. *Ends.*

* No. 10. † 38314: not printed. ‡ No. 16. § No. 15.

Replies of other Dominion Prime Ministers not yet received, but I am reminding them and will let you know result. In the circumstances I hope that Government of Commonwealth of Australia may be prepared to reconsider question and to participate in preliminary meeting. It looks, however, as though it would not be practicable to hold this meeting before November. In view of recent events we should like to include among matters to be discussed method of representation of British Empire at future International Conferences. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

Note.—Copies sent to Canada, New Zealand, the Union of South Africa, the Irish Free State and Newfoundland by despatch, 20th August.

38314

No. 22.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.20 p.m., 18th August, 1924.)

TELEGRAM.

[Answered by No. 29.]

CONFIDENTIAL. Your telegram 11th August.* Consultation with Dominions on foreign policy, etc. Apart from New Zealand, only replies so far received are from Canada and Commonwealth of Australia. Prime Minister is reminding other Prime Ministers. Copy of reply of Prime Minister of Canada being sent by mail.

As regards suggested preliminary inquiry, it states that Canadian Government share feeling that time has hardly come either to revive idea of Constitutional Conference or to call special meeting of Imperial Conference to consider problems, but would be prepared to take part in meeting in near future for preliminary examination of problems and preparation of report as basis for further discussions provided that other parts of Empire agree and date convenient for all can be found. Early in October would appear to them most convenient time.

Reply of Prime Minister of Commonwealth of Australia enclosed in my despatch 24th July, Confidential.† It states that Commonwealth Government appreciate attempt to explore situation and agree as to importance of finding solution, but feel that solution will be gradually evolved and consider that object more likely to be defeated than attained by undue precipitance. Existing arrangements for formation of common Imperial policy and for subsequent consultation form basis of system which in future may well become effective. In these circumstances Commonwealth Government do not see that any advantage is to be gained by appointment of representatives to consider problem and present report as basis for future discussion and do not propose to send representatives to such Conference, but are prepared during interval until next Imperial Conference is held to explore further any suggestions that may be put forward, and also to offer for similar consideration by other Governments concerned any improvements in existing machinery which may occur to them.

Prime Minister is now sending message to Prime Minister of Commonwealth of Australia summarizing position as regards replies of other Dominions and expressing hope that Commonwealth Government may be prepared to reconsider question and to participate in proposed preliminary meeting. Telegram adds that it looks now as though it would not be practicable to hold this meeting before November, and also that, in view of recent events, we should like to include among matters to be discussed method of representation of British Empire at future International Conferences.—SECRETARY OF STATE FOR THE COLONIES.

Note.—Copy sent to Canada, the Commonwealth of Australia, the Union of South Africa, the Irish Free State and Newfoundland by despatch, 20th August.

* No. 19. † No. 17.

38314

No. 23.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.30 p.m., 18th August, 1924.)

TELEGRAM.

18TH AUGUST. Following from Prime Minister for your Prime Minister:—

Begins: Your message of 7th August.* You will have received by now copies of replies from Australia and New Zealand to my message of 23rd June† (see Secretary of State's despatches 24th July, 3rd July,‡ Confidential). I am replying to former that I hope Commonwealth Government may be prepared to reconsider question and to participate in proposed preliminary meeting. I am taking steps to remind other Prime Ministers and will let you know result. It looks, however, as though it would not be practicable to hold the meeting before November. In view of recent events, we should like to include among matters to be discussed method of representation of British Empire at future International Conferences. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

Note.—Copy sent to the Commonwealth of Australia, New Zealand, the Union of South Africa, the Irish Free State and Newfoundland by despatch, 20th August.

38314

No. 24.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.30 p.m., 18th August, 1924.)

TELEGRAM.

[Answered by No. 25.]

18TH AUGUST. My telegram 23rd June.† Consultation with Dominions on matters of foreign policy, etc. Please inform your Prime Minister that Prime Minister would be grateful for early expression of his views.

Replies of Prime Minister of Commonwealth of Australia and Prime Minister of New Zealand enclosed in my despatch 24th July, my despatch 3rd July, Confidential.‡ Prime Minister is replying to Prime Minister of Commonwealth that he hopes Commonwealth Government may be prepared to reconsider question and to participate in proposed meeting. Reply of Prime Minister of Canada recently received and is being sent by mail. Canadian Government share feeling that time has hardly come either to revive idea of Constitutional Conference or to call special meeting of Imperial Conference to consider problems, but would be prepared to take part in meeting in near future for preliminary examination of problems and preparation of report as basis for further discussions, provided that other parts of Empire agree, and date convenient for all can be found. Early in October would appear to them most convenient time.

As regards latter point, I should mention that it looks now as though it would not be practicable to hold proposed preliminary meeting before November. In view of recent events, we should like to include among matters to be discussed method of representation of British Empire at future International Conferences.—SECRETARY OF STATE FOR THE COLONIES.

Note.—Copy sent to Canada, the Commonwealth of Australia, New Zealand, the Irish Free State and Newfoundland by despatch, 20th August.

* No. 18. † No. 10. ‡ Nos. 17 and 15.

40036

No. 25.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.10 p.m., 21st August, 1924.)

TELEGRAM.

21ST AUGUST. Confidential. Your telegrams, Confidential, 23rd June and 18th August,* Consultations with Dominions on matters of foreign policy, etc. Following for Prime Minister from my Prime Minister:—

Begins: The Government, after careful consideration of the question of a Conference on the problem of consultations with the Dominions on matters of foreign policy, etc., regret that it cannot see its way clear to take part in such Conference during the course of this year. It at the same time feels that a special Conference for the purpose of preliminary consideration and advice on the problem is, under the circumstances, very unlikely to prove of any advantage for coming to a final decision. The Government therefore does not think it advisable to send representatives to such a Conference. *Ends.*

—ATHLONE.

Note.—Copies sent to Canada, the Commonwealth of Australia, New Zealand, the Irish Free State and Newfoundland by despatch, 27th August.

40937

No. 26.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.13 p.m., 22nd August, 1924.)

TELEGRAM.

22ND AUGUST. Confidential. Following for Prime Minister from my Prime Minister:—

Begins: Your telegram of 18th August,† with further reference to the suggested Conference for preliminary examination of and preparation of report on the question of representation of the British Empire at future International Conferences, consultations on foreign policy, etc., to hand.

I note that the Canadian Government is of opinion that the time has hardly come to revive the idea of Constitutional Conference or to call special meeting of Imperial Conference to consider these problems, and that, further, if a Conference is held it is to be regarded in no sense as an Imperial Council determining the policy for the Empire as a whole.

I note, too, that Canada is of opinion that representation of all political parties is open to objection.

Your telegram of 23rd June‡ indicates that your Government's suggestion is for a junior Conference to explore generally the problem of representation, etc., and that report of such Conference will entail no responsibility whatever on the Governments concerned, but will constitute merely an expression of opinion for the guidance of such Governments.

If this is the case and all other Dominions are agreeable, while still adhering to the views expressed in my telegram of 16th July,§ my Government is prepared to co-operate on the principle that anything which even remotely tends to improve the relations between the various Governments of the Empire is worthy of trial.

* Nos. 10 and 24. † No. 21. ‡ No. 10. § No. 16.

October, however, is not a suitable date for Australia. We would prefer some time in late November. On receipt of replies from the Dominions and advice of your suggestion to proceed with the Conference, we will inform you by whom Australia will be represented. *Ends.*

—FORSTER.

Note.—Copies sent to Canada, New Zealand, the Union of South Africa, the Irish Free State, and Newfoundland by despatch, 27th August.

42484

No. 27.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.25 p.m., 5th September, 1924.)

TELEGRAM.

CONFIDENTIAL. 5th September. My telegram of 21st August, Confidential.* Ministers inform me that, after discussing with Mr. Thomas the question of holding of a preliminary Conference on the subject of proposed constitutional inquiry, they now agree to the Union participating.

They regret that it will not be possible for them to be represented by a Minister at this conference owing to the meeting of the Union Parliament at the beginning of the coming year.

They consider that February next would be preferable date, but have no objection to the conference being held late in November, and a delegate will be sent from the Union to attend the Conference.—ATHLONE.

Note.—Copies sent to Canada, the Commonwealth of Australia, New Zealand, the Irish Free State and Newfoundland by despatch, 10th September.

42454

No. 28.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.40 a.m., 6th September, 1924.)

TELEGRAM.

[Answered by No. 31.]

5TH SEPTEMBER. Proposed preliminary Constitutional Conference. My Ministers would like to be advised whether, in view of replies received from the self-governing Dominions to your communication of 23rd June,† His Majesty's Government has definitely decided to hold the proposed preliminary Conference this fall and, if so, at what date. If the Conference is to be held, some little time will be necessary to arrange necessary representation, and my Ministers would, therefore, like to be advised just as soon as may be possible of what may be decided. Canadian Government would also like to be informed, in so far as it may be possible to give indication, of proposed personnel of the Conference, i.e., whether delegations will be composed of Ministers of the Crown, permanent officials or delegates specially chosen regardless of their association with Administration.—BYNG.

Note.—Copies sent to the Commonwealth of Australia, New Zealand, the Union of South Africa, the Irish Free State and Newfoundland by despatch, 10th September.

* No. 25. † No. 10.

43214

No. 29.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.40 a.m., 10th September, 1924.)

TELEGRAM.

[Answered by No. 30.]

10TH SEPTEMBER. Confidential. Your telegram of 18th August.* Consultations on matters of Foreign Policy, etc.

Prime Minister would be glad to learn whether it has been definitely decided to hold the proposed preliminary meeting and, if so, on what date.—JELICOE.

Note.—Copies sent to Canada, the Commonwealth of Australia, the Union of South Africa, the Irish Free State and Newfoundland by despatch, 16th September.

43214

No. 30.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.50 p.m., 15th September, 1924.)

TELEGRAM.

CONFIDENTIAL. Your telegram 10th September.† Please inform your Prime Minister that Governments of Canada, Union of South Africa and Newfoundland, in addition to Government of New Zealand, have now intimated willingness to participate in proposed inquiry, and Government of Commonwealth of Australia prepared to participate if all other Dominions agreeable. Reply still awaited from Government of Irish Free State, who are being reminded. His Majesty's Government are now working out definite proposals as to agenda, representatives, time, etc., and further telegram will be sent as soon as possible.—SECRETARY OF STATE FOR THE COLONIES.

Note.—Copies sent to Canada, the Commonwealth of Australia, the Union of South Africa, the Irish Free State and Newfoundland by despatch, 16th September.

43214

No. 31.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.10 p.m., 15th September, 1924.)

TELEGRAM.

[Answered by No. 32.]

CONFIDENTIAL. 15th September. Your telegram 5th September.‡ Governments of New Zealand, Union of South Africa and Newfoundland, in addition to Canadian Government, have now intimated willingness to participate in proposed inquiry, and Government of Commonwealth of Australia prepared to participate if all other Dominions agreeable. Reply still awaited from Government of Irish Free State who are being reminded. His Majesty's Government are now working out definite proposals as to agenda, representatives, time, etc., and further telegram will be sent as soon as possible.—SECRETARY OF STATE FOR THE COLONIES.

Note.—Copies sent to the Commonwealth of Australia, New Zealand, the Union of South Africa, the Irish Free State and Newfoundland by despatch, 16th September.

44447

No. 32.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.4 a.m., 19th September, 1924.)

TELEGRAM.

[Answered by No. 33.]

CONFIDENTIAL. 18th September. Your telegram of 15th September, Confidential.* My Ministers represent that it is the desire of the Canadian Government that, when His Majesty's Government have worked at (out) a definite proposal as to the agenda, representatives, time, etc., Canadian delegation at Geneva may be informed simultaneously with this Government. I am also to represent that the Canadian Government trust that it may be possible to convene the proposed Constitutional Conference not later than the middle of October.—BYNG.

Note.—Copies sent to the Commonwealth of Australia, New Zealand, the Union of South Africa, the Irish Free State and Newfoundland by despatch, 30th September.

44447

No. 33.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.20 p.m., 19th September, 1924.)

TELEGRAM.

[Answered by No. 34.]

19TH SEPTEMBER. Confidential. Your telegram 18th September,† proposed Constitutional Inquiry. Your Prime Minister will have observed from message from Prime Minister of Commonwealth of Australia, 22nd August,‡ enclosed in my despatch 27th August, Dominions 411, Confidential,§ that Commonwealth Government did not regard October as suitable date and would prefer some time in late November. Government of Union of South Africa have stated that February next would be preferable date though they have no objection to late November. In the circumstances, feared that there is no prospect of its being practicable to hold inquiry as early as middle of October.—SECRETARY OF STATE FOR THE COLONIES.

Note.—Copies sent to the Commonwealth of Australia, New Zealand, the Union of South Africa, the Irish Free State and Newfoundland by despatch, 30th September.

45847

No. 34.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.40 p.m., 26th September, 1924.)

TELEGRAM.

26TH SEPTEMBER. Your telegram of 19th September.¶ Proposed Constitutional Inquiry. In view of your statement that there is no prospect of its being practicable to hold the inquiry as early as the middle of October, our Government favours indefinite postponement and that the matters which were to have been dealt with in the Conference be taken up by correspondence. In your telegram of

23rd June* you suggested holding preliminary meeting of, say, two representatives of each country possibly in October to permit of some of the Dominion delegates to League of Nations being amongst the representatives. With this in view we arranged for our Ministerial delegates at Geneva to take (part) in the Conference at London in October after the conclusion of the League of Nations Assembly. These Delegates have made unalterable engagements in Canada later in the year which will not permit of their remaining in London on into (sic) November.—BYNG.

Note.—Copies sent to the Commonwealth of Australia, New Zealand, the Union of South Africa, the Irish Free State and Newfoundland by despatch, 30th September.

47997

No. 35.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th October, 1924.)

(Confidential.)

SIR, Vice Regal Lodge, Dublin, 10th October, 1924.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 398, Confidential, of the 20th August† and previous correspondence, on the subject of the present system of consultation on matters of foreign policy and general Commonwealth interest, and to express regret that a reply should have been so long delayed.

2. My Ministers have now carefully considered the suggestions set forth in the telegram transmitted with your Confidential despatch of the 25th June.‡ They would be prepared to take part in the manner suggested in a Conference for the preliminary examination of these problems and the preparation of a report as a basis for further discussion.

3. My Ministers are convinced that, while the proposed Conference cannot strictly be termed a Constitutional Conference, the suggested programme involves matters of grave constitutional importance which require long and serious consideration beforehand.

4. They will, therefore, be glad to learn as soon as possible whether a date can now be fixed for the Conference.

I have, &c.,
T. M. HEALY.

Note.—Copies sent to Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and Newfoundland by despatch, 20th October.

Note.—The proposal to hold the inquiry was not pursued (see No. 25 in Cmd. 2301).

III. DIPLOMATIC REPRESENTATION OF THE DOMINIONS IN FOREIGN COUNTRIES AND OF FOREIGN COUNTRIES IN THE DOMINIONS

(a) Irish Free State: Ministers and Secretaries Bill.

55155

No. 36.

IRISH FREE STATE.

MINISTERS AND SECRETARIES BILL, 1923.

EXTRACTS from Section 1.

1. There shall be established in Saorstát Eireann the several Departments of State specified and named in the eleven following sub-paragraphs, amongst which

* No. 10. † 38314: not printed. ‡ No. 11.

the administration and business of the public services in Saorstát Eireann shall be distributed as in the said sub-paragraphs is particularly mentioned, and each of which said Departments and the powers, duties and functions thereof shall be assigned to and administered by the Minister hereinafter named as head thereof, that is to say:—

(XI) The Department of External Affairs which shall comprise the administration and business generally of public services in connexion with communications and transactions between the Government of Saorstát Eireann and the Government of any other state or nation, diplomatic and consular representation of Saorstát Eireann in any country or place, international amenities, the granting of passports and of *visés* to passports, and all powers, duties and functions connected with the same, and of which Department the head shall be, and shall be styled, an t-Aire um Ghnóthaí Coigríche or (in English) the Minister for External Affairs.

55155

No. 37.

SIR MARK STURGIS (COLONIAL OFFICE) to MR. C. H. MONTGOMERY (FOREIGN OFFICE).

[Answered by No. 38.]

MY DEAR HUBERT,

Colonial Office, 23rd November, 1923.

WILL you please look at Section I (XI) of the enclosed Bill, which is now before the Free State Parliament. The Bill passed its second reading on 21st November, and the Committee stage is fixed for Wednesday of next week. The words to which we wish to call attention are "diplomatic and consular representation of Saorstát Eireann in any country or place."

2. The question arises whether it is desirable, from the point of view of the British Government, that representations should be made to the Dublin Government with a view to the omission of the words "diplomatic and consular," and, if such representations were made, how they would be received.

3. The words in question appear to be qualified by the words "the administration and business generally of public services in connexion with . . ." earlier in the sub-section, but they appear to assume either that diplomatic and consular representation of the Irish Free State already exists or that it will hereafter exist.

4. You will remember, of course, that as far back as 1920 His Majesty's Government committed themselves to the principle of the special diplomatic representation of Canadian interests at Washington (see statement* of Mr. Bonar Law in the House of Commons on 10th May, 1920). On various occasions His Majesty's Government have offered consular status to commercial representatives of the Dominions in foreign countries. Just recently, too, His Majesty's Government were prepared to include the more important Dominion Trade Commissioners in the diplomatic staffs abroad and thus give them precisely the same standing as the British commercial counsellors and Secretaries. It was, however, found unnecessary to pursue this offer since it was subsequently discovered that the Canadian Government, which had raised the question, did not desire more than that their Trade Commissioners should be formally accredited to foreign Governments. All these acts were of course conditional on the maintenance of the diplomatic unity of the Empire and the principle of a single diplomatic or consular service.

5. In the circumstances it seems difficult to contend that the contingency of the Irish Free State having diplomatic or consular representation within the limits

* See No. 89 in Dominions No. 66.

outlined above, by agreement with His Majesty's Government, may not arise. If the words "diplomatic or consular" are retained, and if His Majesty's Government were challenged to explain in Parliament why they acquiesced in them, it would seem possible to justify them on the above lines.

6. If it was thought advisable to press for the exclusion of the three words quoted, it would only seem possible to do so on the following grounds:—

- (a) That no arrangements at present exist which can be described as diplomatic and consular representation of the Irish Free State in foreign countries;
- (b) That the inclusion of the words might be open to misinterpretation;
- (c) That their omission would still render it possible for the Free State Government to discuss with His Majesty's Government the whole question of the representation of the Irish Free State abroad.

7. Our present view is that on the whole such representation would *not* be advisable.

We do not think that the words in question were inserted with any ulterior motive, nor do we imagine that the Irish Free State Government are at present in a position to incur the cost of separate diplomatic or consular representation abroad on any considerable scale.

On the other hand, we have no expectation whatever that a suggestion on our part to the Minister of External Affairs that he shall move for the omission of these words in Committee would be accepted, or, if the suggestion were accepted by him, that the omission would be agreed to by the Dail.

8. For the reasons set out in paragraphs 3 and 5 of this letter the point is not one which, in our view, His Majesty's Government could well press, nor do we think that it could be contended that the words are incompatible with the provision of the 1921 Treaty.

9. On the whole we should propose to put the arguments in favour of exclusion of the three words as set out in paragraph 6 above to Mr. Loughnane, who is our representative in Dublin, but to authorize him, if, as we anticipate, he agrees that they are best not communicated to the Irish Free State Government, to carry the matter no further.

10. An additional consideration against making representations is that intervention by His Majesty's Government at the present moment may not only be ineffective but may precipitate the very thing we are desirous of avoiding—i.e., it may impel them to act upon the clause and actually attempt to appoint diplomatic representatives, a course which at present we have no reason to suppose they are likely to attempt. Incidentally we learn that the creation of a Department of External Affairs is being strongly criticized in the Dail; and in the absence of any representations from us, the offending clause may disappear.

11. Of course, the absence of any comment from us on a Bill does not mean that we approve of it, but simply that we do not regard it as inconsistent with the Treaty or as otherwise so objectionable as to demand intervention.

12. Will you please let us know as soon as possible whether the Foreign Office agree that we need not make representations to the Free State Government in the matter.

We apologise for not writing officially as we realize the importance of the matter but, as already explained, time is the essence in this case.

Yours, &c.,

MARK STURGIS.

57922

No. 38.

FOREIGN OFFICE to COLONIAL OFFICE

(Received 26th November, 1923.)

[Answered by No. 39.]

SIR,

Foreign Office, S.W.1, 26th November, 1923.

SIR Mark Sturgis's semi-official letter of the 23rd instant,* relative to Section I (XI) of the Bill now before the Parliament of the Irish Free State, has

* No. 37.

been submitted to the Secretary of State, who has had under consideration the question whether it is desirable that representations should be made to the Government of the Irish Free State with a view to the omission of the words "diplomatic and consular" from the text of that section.

2. According to the articles of agreement for a Treaty between Great Britain and Ireland of the 6th December, 1921, "the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada," and, therefore, the Free State can only claim direct diplomatic or consular representation to the extent to which such a claim may have been established by Canada.

3. The special arrangement as regards the representation of the Dominion of Canada at Washington, which was made by agreement with the Canadian Government has, in point of fact, never been put into effect, because it was found in practice to be unsuitable and open to various objections. It does not, therefore, afford a good precedent. Even, however, if it were now desirable to appeal to its terms as a precedent for a similar concession to that which His Majesty's Government was at the time ready to contemplate, the possibility of separate Free State representation could only be considered subject to the following conditions:—

(a) A case must be made out justifying separate representation on the ground of particular circumstances applicable to the case in question;

(b) Such representation can only be arranged by previous agreement with His Majesty's Government.

4. It is understood from the third paragraph of the letter under reply that your department considers that the words "diplomatic and consular representation of the Saorstát Eireann in any country or place" are qualified by the words "the administration and business generally of public services in connexion with" earlier in the subsection, that is to say, that it will be the business of the Department of External Affairs to deal with any questions that may arise with the Imperial Government as to the representation of the Free State through the diplomatic and consular representatives of the Empire as a whole. Lord Curzon considers that, unless it is clear that the Free State Government accept this interpretation of the words, the position of His Majesty's Government in resisting in the future any general claim to separate diplomatic and consular representation might be prejudiced by a failure to make the position quite clear now.

5. It is, therefore, in his opinion, essential to establish the fact that the above interpretation is so accepted. His Lordship would be glad to hear in what way in the opinion of the Secretary of State for the Colonies this can best be done.

I am, &c.,

HUBERT MONTGOMERY.

57922

No. 39.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 27th November, 1923.

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letter of the 26th November,* and to request you to inform the Marquess Curzon of Kedleston that he proposes to address the Governor-General of the Irish Free State on the subject of the Ministers and Secretaries Bill in the terms of a despatch, of which a draft is enclosed.†

2. I am to request that His Grace may be informed at the earliest possible moment whether the Secretary of State concurs in the terms of the draft despatch.

I am, &c.,

MARK STURGIS.

* No. 38.

† For the despatch as sent, see No. 40.

58294

No. 40.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 43.]

(No. 689.)

SIR,

Downing Street, 29th November, 1923.

I HAVE the honour to acquaint Your Excellency, for the information of your Ministers, that my attention has been drawn to the "Ministers and Secretaries Bill, 1923," which is now before the Dail, and particularly to Clause I (XI) which sets out powers, duties and functions of the Department of External Affairs.

2. The Irish Free State Government will appreciate that, should any question arise in the future as to the diplomatic and consular representation of the interests of the Irish Free State abroad otherwise than through the diplomatic and consular services as at present maintained by His Majesty's Government, there will be need for consultation with the Secretary of State for Foreign Affairs for the time being in regard to the particular circumstances applicable to any case which may occur. This procedure was followed when the question of special representation of Canadian interests at Washington arose, and it has also been adopted in cases where suggestion has been made that it will be convenient if consular status can be secured for commercial representatives of particular Dominions in foreign countries.

3. It is inferred, however, that the words in the earlier part of Clause I (XI) "the administration and business generally of public services in connexion . . . diplomatic and consular representation of Saorstát Eireann in any country or place" are intended to refer to the business conducted on behalf of the Irish Free State through the existing diplomatic and consular services.

I have, &c.,

DEVONSHIRE.

58294

No. 41.

SIR MARK STURGIS (COLONIAL OFFICE) TO MR. N. G. LOUGHNANE (DUBLIN).

[Answered by No. 42.]

(Personal and Confidential.)

MY DEAR LOUGHNANE,

29th November, 1923.

I ENCLOSE an official despatch* on the subject of the Ministers and Secretaries Bill, about which I telegraphed to you on the 22nd.

We were bound, of course, to call the attention both of the Dominions Department and of the Foreign Office to the provisions of Clause I (XI); and as you may imagine, bearing in mind how delicate the question of separate diplomatic representation of the Dominions has been for some time past, this clause has caused great searching of mind in both those Departments.

The difficulty of course is that, while on the one hand, in view of the fact that as far back as 1920 His Majesty's Government committed themselves to the principle of the special diplomatic representation of Canadian interests at Washington, we cannot now definitely say that the appointment of Irish Free State Ambassadors or Ministers to foreign countries would be a breach of the Treaty; on the other hand, any such appointments without prior consultation not only with this country, but with the other Dominions would be open to the gravest objection.

As the clause stands, it appears to be open to two interpretations—either that the Irish Free State can and will at any moment appoint diplomatic representatives abroad, or that "the administration and business generally of public services in connexion with" the existing diplomatic representation (i.e., representation through His Britannic Majesty's Ambassador) of Saorstát Eireann is to be entrusted to the Department of External Affairs.

* No. 40.

The latter interpretation would, of course, be quite unobjectionable; and a statement by the Free State Government that that was the intention of the clause would, of course, in no way debar them from subsequently raising with us and the Imperial Conference the question of separate diplomatic representation.

The object of the enclosed despatch is to elicit if possible an acceptance of this interpretation from the Free State Government; and the despatch has been carefully drafted with a view to encroaching as little as possible upon Free State susceptibilities. But I ought to let you know that the Foreign Office have only concurred in the despatch in its present form on condition that it *does* elicit such an acceptance: if it fails to do this, they will certainly press us (and we shall find it very difficult to refuse) to raise the question in a more specific form.

Will you therefore exercise all your diplomacy in getting a satisfactory despatch in reply to this, and getting it as soon as possible.

Yours, &c.,

MARK STURGIS.

59482

No. 42.

MR. N. G. LOUGHNANE (DUBLIN) TO SIR MARK STURGIS (COLONIAL OFFICE).

MY DEAR STURGIS,

Vice Regal Lodge, Dublin, 1st December, 1923.

I SAW Mr. Cosgrave yesterday afternoon with reference to Section 1 (XI) of the Ministers and Secretaries Bill. Both he and Mr. Kennedy, to whom I mentioned the matter earlier in the day, took the same line, viz., that the real and only object of the sub-section was to define the functions of the Ministry of External Affairs as at present constituted, and it was not designed for the purpose of enabling the Government to set up separate Diplomatic and Consular Services. They mentioned, however, that, so far as the right to claim separate Diplomatic representation was concerned, the Free State, by virtue of the Treaty, was in the same position as Canada, and Mr. Cosgrave indicated that it is not unlikely that the Free State Government will decide to seek separate representation at Washington. He said that he would prefer—and he was sure that the Dail would also prefer—not to incur the expense of having a separate representative at Washington or elsewhere, but Ireland resembled Canada, and differed from all the other Dominions, in the fact that it had special interests in the United States of America, and the appointment of a separate Free State diplomatic representative in that country, if only as a temporary expedient, might be useful as a means of winning over to the Treaty the large body of Irish-Americans who are still pursuing a policy of hatred of everything British because they fail to realize that the quarrel between the Irish and British people is now closed, and that Irish self-government is now an accomplished fact. He assured me, however, and Mr. Kennedy was equally emphatic on this point, that there was no intention of using this Bill for the purpose of appointing foreign representatives without reference to the Foreign Office. If the Canadian example is to be followed as regards Washington, nothing will be done until the Foreign Office has been consulted, and the procedure of the Canadian precedent will be scrupulously adhered to in all respects. I left the despatch with Mr. Cosgrave who said that he would take it into the Cabinet which was then sitting, and that a reply would be sent as soon as possible.

Yours, &c.,

N. G. LOUGHNANE.

61952

No. 43.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 22nd December, 1923.)

(No. 361.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 21st December, 1923.

I HAVE the honour to refer to Your Grace's despatch No. 689 of the 29th ultimo,* with regard to Clause 1 (XI) of the "Ministers and Secretaries Bill, 1923," at present before the Oireachtas, and to inform Your Grace that my Ministers concur in the opinion expressed in Clause 2 thereof, to the effect that there will be need for consultation with His Majesty's Government when the question arises of diplomatic representation of the interests of Saorstát Eireann abroad in any particular instance.

I have, &c.,
T. M. HEALY.

61952

No. 44.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 4th January, 1924.

WITH reference to your letter of the 28th November,† I am directed by the Duke of Devonshire to transmit to you, for the information of the Marquess Curzon of Kedleston, a copy of correspondence‡ with the Governor-General of the Irish Free State relative to Clause 1 (XI) of the Ministers and Secretaries Bill recently introduced into the Free State Parliament.

I am, &c.,
MARK STURGIS.

(b) Irish Free State : Representation at Washington.

9905

No. 45.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th March, 1924.)

[Answered by No. 52.]

(No. 79.)

SIR,

Vice Regal Lodge, Dublin, 3rd March, 1924.

My Ministers desire me to inform you that they are convinced of the urgent necessity of appointing an Irish Minister Plenipotentiary and Envoy Extraordinary to the United States of America.

2. They have decided that Mr. Timothy A. Smiddy would be a suitable person to assume that position, and they would be glad if His Majesty's Government would cause immediate inquiries to be made as to whether he would be *persona grata* to the President and to the Department of State at Washington.

3. In the event of a favourable reply, they would be glad to receive letters of credence from His Majesty the King for transmission to Mr. Smiddy.

4. They are confident that you will appreciate the considerations which have prompted them to arrive at this decision. The financial and commercial interests of the Free State in the United States are very considerable, and the pressing problem of Irish emigration to America has for a long time engaged the earnest attention of my Government. They have found, in dealing with these matters, that they are severely handicapped by reason of the fact that their representative at

* No. 40. † 58294: not printed. ‡ Nos. 40 and 43.

Washington has not been accredited to the Government of the United States. They feel sure, moreover, that nothing could be more effective in promoting amongst Irish people in America cordial relations with the Nations of the Commonwealth than the presence of an Irish Minister Plenipotentiary in the United States.

5. In view of the extreme urgency of finding a solution for the financial and immigration questions directly affecting them, my Ministers request that the British Ambassador at Washington be immediately instructed by telegraph to communicate with the United States Government in reference to Professor Smiddy's appointment.

I have, &c.,

T. M. HEALY.

9905

No. 46.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 47.]

(Secret.)

SIR,

Downing Street, 11th March, 1924.

I AM directed by Mr. Secretary Thomas to transmit to you, for the consideration of Mr. Secretary Ramsay MacDonald, a copy of correspondence* with the Governor-General of the Irish Free State relative to the desire of the Free State Government that immediate steps should be taken with a view to the appointment of an Irish Free State Minister Plenipotentiary and Envoy Extraordinary to the United States of America.

2. As regards the main principle involved, Mr. Thomas is of opinion that as, under Articles I, II, and III of the Articles of Agreement of the 6th December, 1921, the Irish Free State is, subject to the later articles, placed on the same constitutional relation with His Majesty's Government as Canada, and as, on the date of the Articles of Agreement, arrangements had already been made between His Majesty's Government and the Canadian Government whereby the latter were placed in a position to advise His Majesty to appoint a Minister Plenipotentiary at Washington who would have charge of Canadian affairs, His Majesty's Government are bound to give every assistance to the Government of the Irish Free State in connexion with the present request. Quite apart from any question of the Articles of Agreement, Mr. Thomas feels that His Majesty's Government would be bound to give similar assistance to any Dominion Government which wished to appoint a diplomatic representative of its own at Washington.

3. In Mr. Thomas' opinion there are no grounds on which His Majesty's Government could justify postponing action on the request of the Free State Government until the Canadian Government have finally decided whether or not to appoint a Canadian representative at Washington. The Canadian Government, and also the Governments of the Commonwealth of Australia, New Zealand, and the Union of South Africa should, however, be informed at once of the Free State proposal, and of the action which His Majesty's Government propose to take on it.

4. Mr. Thomas will be glad to learn Mr. Ramsay MacDonald's views as to the form which that action should take. He presumes that there will be no question in the present case of arranging for the Irish Free State Minister to take charge of the Embassy at Washington in the absence of His Majesty's Ambassador. In this connexion it will be remembered that the Prime Minister of Canada, at the Imperial Conference of 1923, indicated that the present Canadian Government would probably suggest an alteration of the arrangements on this matter which were made in 1920. In other respects the proposals agreed to in 1920 in the case of the Canadian Minister at Washington would appear generally suitable, except on two points: (a) it would seem inadvisable to make special reference to the office accommodation of the Irish Free State Representative at Washington, particularly as Mr. T. A. Smiddy is already at work there; (b) on the question of precedence, it would seem desirable to safeguard the position of a Minister representing Canada, or indeed of a Minister representing the Commonwealth of Australia, New Zealand, or the Union of South Africa, if such appointments should be made later than that of a Minister representing the Irish Free State.

* Nos. 45 and 9905: not printed; it stated that the matter was receiving immediate consideration, and that the Secretary of State hoped to discuss it with Mr. Cosgrave.

5. Mr. Thomas thinks that it might be well, if the Secretary of State for Foreign Affairs and the Canadian Government agree, to communicate to the Government of the Irish Free State the relevant correspondence in 1919 and 1920, when the appointment of a Canadian Minister at Washington was under consideration. He would propose to send copies of the correspondence printed as Nos. 63 to 91 in the enclosed Secret Print, Dominions No. 66, including the telegrams to and from the Foreign Office printed among this correspondence. If Mr. Ramsay MacDonald concurs, Mr. Thomas will ascertain the views of the Government of Canada when communicating with them on the general question.

6. In view of the fact that Mr. Thomas proposes to discuss this question with the President of the Executive Council of the Irish Free State at the end of this week he will be glad to receive a very early reply to this letter. It is also requested that the copy of the Secret Print enclosed herewith may be returned to this office in due course.

I am, &c.,
C. T. DAVIS.

13497

No. 47.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 21st March, 1924.)

[Answered by No. 48.]

SIR,

Foreign Office, S.W.1, 20th March, 1924.

I AM directed by Mr. Secretary Ramsay MacDonald to acknowledge the receipt of your letter of the 11th instant,* enclosing copies of correspondence with the Governor-General of the Irish Free State relative to the desire of the Free State Government that immediate steps should be taken with a view to the appointment of an Irish Free State Envoy Extraordinary and Minister Plenipotentiary to the United States of America.

2. Mr. Ramsay MacDonald considers that, in view of the decision reached in the case of Canada in 1920, it would not be possible to refuse to agree to the appointment of an Irish Free State Minister Plenipotentiary at Washington, with credentials from the King, and a letter of appointment from the Irish Free State Government. The present proposal for the appointment of an Irish "Envoy Extraordinary" must, however, be regarded as going beyond what was decided in the case of Canada, and Mr. Ramsay MacDonald regrets that he cannot agree to such a course. With regard to the relations between the Irish Free State Minister and His Majesty's Embassy at Washington, he feels that the former should be entirely independent of, and reside outside the Embassy, as it is clearly impossible for His Majesty's Government to accept responsibility for action over which they would, in fact, have no control. The Irish Free State Minister would, of course, be precluded, by the recommendations of the recent Imperial Conference, from negotiating or signing treaties with the United States without previous consultation with the governments of other parts of the Empire. With regard to the question of precedence, it would seem proper that Dominion Ministers should rank amongst themselves in accordance with the historic priority of their respective Dominions, and after His Majesty's Representative in charge of the British Embassy. In order to make this position clear and regular, the Counsellor to His Majesty's Embassy will receive credentials as Envoy Extraordinary and Minister Plenipotentiary, which will ensure his having the necessary precedence as Imperial representative during the absence of the Ambassador. As regards the precedence of Dominion Representatives in the Diplomatic Body at Washington, while the matter is one for the consideration of the United States Government in the first instance, their proper status according to international usage would be after Envoys Extraordinary.

3. While Mr. Ramsay MacDonald sees no alternative to agreeing to the appointment of an Irish Free State Minister, he considers that His Majesty's Government are, in this and other respects, entering on a dangerous and difficult path as regards the Dominions, and that, if care be not taken, there is a possibility of

* No. 46.

serious misunderstandings and friction arising. In the particular case of the Irish Free State, for example, there seems to be little doubt from the last paragraph of Mr. Healy's letter to the Secretary of State for the Colonies, that the immigration question has an important bearing on the desire of the Free State Government to be separately represented. It seems clear that any advantage which the Free State Government might gain in the matter of the immigration quota into the United States could only be at the expense of the United Kingdom.

4. In view of the difficulties of the case, Mr. Ramsay MacDonald considers that the other Dominions should be informed of the request put forward by the Irish Free State, with an intimation that there is no intention of placing any obstacles in the way of the separate representation of any Dominion at Washington, but that His Majesty's Government gravely fear it may, in practice, become increasingly difficult if not impossible for the British Empire to pursue a homogeneous policy in such conditions, and that they would be glad to be favoured with the considered views of the Dominions, before a step is taken which may be fraught with serious consequences to the unity of the Empire.

5. Mr. Ramsay MacDonald doubts the advisability of communicating to the Government of the Irish Free State the printed correspondence referred to in paragraph 5 of your letter under reply. There appears to be no necessity for it. In any case, the Foreign Office telegrams which contain records of confidential communications with the United States Government would have to be omitted. The print is returned herewith, in accordance with your request.

I am, &c.,
G. R. WARNER.

13497

No. 48.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 49.]

(Confidential.)

SIR,

Downing Street, 28th March, 1924.

I AM directed by Mr. Secretary Thomas to acknowledge the receipt of your letter of the 20th March* on the subject of the proposed appointment of a representative of the Free State Government at Washington.

2. Mr. Secretary Thomas, after giving careful consideration to the aspects of the question dealt with in your letter under reply, proposes, subject to Mr. Ramsay MacDonald's concurrence, to address a despatch,† of which the draft is enclosed, to the Governor-General of the Irish Free State. The draft of the telegram‡ referred to in the fourth paragraph of the draft despatch is also enclosed.

3. I am to request that these drafts may be laid before Mr. Ramsay MacDonald, and that Mr. Thomas may be informed, with the least practicable delay, whether he concurs in their terms.

I have, &c.,
C. T. DAVIS.

15919

No. 49.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 3rd April, 1924.)

(Confidential.)

SIR,

Foreign Office, S.W.1, 2nd April, 1924.

I AM directed by Mr. Secretary Ramsay MacDonald to acknowledge the receipt of your letter of the 28th ultimo§ enclosing a draft despatch to the Governor-General of the Irish Free State respecting the proposed appointment of a representative of the Free State Government at Washington.

* No. 47. † See No. 52. ‡ See No. 51. § No. 48.

2. Mr. Ramsay MacDonald concurs in the terms of this despatch except as regards the passage in paragraph 6, which runs as follows: "and it was part of the understanding that the Canadian Government . . . so that there might be constant interchange of views on matters of common concern." As stated in the letter from this Department of the 20th ultimo,* the Secretary of State considers that any Irish Free State Minister at Washington should be entirely independent of His Majesty's Embassy, as it is clearly impossible for His Majesty's Government to accept responsibility for action over which they would in fact have no control. In the circumstances the passage referred to would convey to the Irish Free State Government a misleading impression of the relations which Mr. Ramsay MacDonald feels should exist between the Minister and the Embassy.

3. The Secretary of State further considers it very advisable that a paragraph should be added to the draft pointing out that the Irish Free State Minister would have the rank of a Minister Plenipotentiary and not that of an Envoy Extraordinary, and that he would be precluded by the recommendations of the recent Imperial Conference from negotiating or signing treaties with the United States without previous consultation with the governments of other parts of the Empire, such consultation taking place through the Government of the Irish Free State and His Majesty's Government and not between the Irish Free State Minister at Washington and His Majesty's Embassy.

I am, &c.,
G. R. WARNER.

18069

No. 50.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 15th April, 1924.)

[Answered by No. 58.]

SIR,

Foreign Office, S.W.1, 14th April, 1924.

I AM directed by Mr. Secretary Ramsay MacDonald to refer to Mr. Curtis' conversation with Mr. Warner on the 9th instant respecting the question of the representation of the Irish Free State in Washington, when Mr. Curtis left for consideration a revised draft despatch to the Governor-General of the Irish Free State and a revised draft telegram to the Governments of the other Dominions in regard to the matter.

2. Mr. Ramsay MacDonald adheres to the view expressed in the letter of this Department of the 2nd instant† that the Irish Free State Minister at Washington should be entirely independent of His Majesty's Embassy, as it is clearly impossible for His Majesty's Government to accept responsibility for action over which they would in fact have no control. Mr. Ramsay MacDonald can, therefore, only concur in the terms of the revised draft despatch to Mr. Healy subject to the omission of the following passage in paragraph 5: "and it was part of the understanding . . . in the change of views of matters of common concern."

3. The draft despatch to Mr. Healy and the draft telegram to the Dominions, in which Mr. Ramsay MacDonald concurs, are returned herewith.

I am, &c.,
G. R. WARNER.

13497

No. 51.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 6 p.m., 22nd April, 1924.)

TELEGRAM.

[Answered by Nos. 53, 56, 55, 54.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

22ND APRIL. Confidential. In view of very considerable financial and commercial interests of Irish Free State in United States of America, Government of Irish Free State are convinced that it is urgently necessary that Irish Free State

* No. 47. † No. 49.

should have in Washington representative duly accredited to United States Government, and have asked that steps may be taken to approach United States Government with a view to their existing representative in United States of America being accredited to Government of United States of America for Irish Free State affairs. Having regard to arrangements made between His Majesty's Government and Canadian Government in 1920 with a view to special representation of Canadian interests at Washington, and to express provision in Article 2 of Irish Treaty specifically assimilating constitutional position of Irish Free State to that of Canada His Majesty's Government are ready to approach United States Government with a view to appointment of a Minister Plenipotentiary at Washington with credentials from His Majesty and a letter of appointment from Government of Irish Free State. They think it desirable, however, that, before communication is made to United States Government, Governments of the other Dominions should be made acquainted with contemplated action and should be given an opportunity of offering any observations if they wish to do so. It is not intended that the Irish Free State Minister should take charge of Embassy during absence of Ambassador. Similar telegram sent to other Dominions and copy sent to Irish Free State Government.—THOMAS.

13497

No. 52.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 57.]

(Confidential.)

SIR,

Downing Street, 24th April, 1924.

WITH further reference to Your Excellency's despatch No. 79 of the 3rd March* regarding the representation of the Irish Free State at Washington, I have the honour to request Your Excellency to inform your Ministers that His Majesty's Government have taken this matter into very careful consideration in the light of the arrangements made with the Canadian Government in 1920 for the special representation of Canadian interests at Washington, and of the discussions on the subject which have since taken place.

2. In view of the constitutional precedent established by the agreement with the Canadian Government, His Majesty's Government are ready to approach the United States Government with a view to the appointment of a Minister Plenipotentiary at Washington with credentials from His Majesty, and a letter of appointment from the Government of the Irish Free State.

3. His Majesty's Government feel, however, that, in view not only of the special interest of the Canadian Government in this matter but also of the interest of the Dominion Governments generally in matters connected with the representation of the interests of the Empire in foreign countries, it is important that the other Dominion Governments should be informed of the contemplated action and should be given an opportunity of offering any observations, if they wish to do so.

4. I have therefore addressed to the Governments of the other self-governing Dominions a telegram† of which a copy is enclosed herewith.

5. In this connexion I enclose, as showing the nature of the arrangement made with the Canadian Government, copies of a statement‡ made in the House of Commons on the 10th May, 1920, and of the Draft Credentials§ which it was contemplated would be issued to the Canadian Minister when appointed. It will be noted that it was contemplated that the Canadian representative should hold the rank of Minister Plenipotentiary but not of Envoy Extraordinary. It will also be observed that in the statement made in the House of Commons stress was laid on the fact that the new arrangement would not denote any departure from the principle of diplomatic unity of the Empire. It is assumed that it is your Ministers' intention that a similar position should obtain in the present case.

* No. 45. † No. 51. ‡ See No. 89 in Dominions No. 66. § Enclosure 1 in No. 79 in Dominions No. 66.

6. It is also assumed that it is your Ministers' intention that any questions which may arise as regards the negotiation and signature of Treaties with the United States will be dealt with in accordance with the Resolution on the subject adopted by the Imperial Conference of 1923 (pages 13 and 14 of Cmd. 1987).

I have, &c.,
J. H. THOMAS.

20191

No. 53.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.50 a.m., 27th April, 1924.)

TELEGRAM.

26TH APRIL. Confidential. Your telegram 22nd April, Confidential.* My Ministers cordially approve of the contemplated action of the British Government in arranging to meet the wishes of the Irish Free State to have in Washington representative duly accredited to United States Government.—BYNG.

20356

No. 54.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.10 p.m., 28th April, 1924.)

TELEGRAM.

28TH APRIL. Confidential. Your telegram 22nd April, Confidential.* Appointment at Washington of a representative of the Irish Free State. Ministers have no objection to offer to course proposed by His Majesty's Government in this connexion and concur therein.—ATHLONE.

21090

No. 55.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.15 a.m., 3rd May, 1924.)

TELEGRAM.

[Answered by No. 67.]

3RD MAY. Confidential. Your telegram of 22nd April.* Special representation of Irish Free State at Washington.

My Prime Minister asks me to inform you in reply that he has always understood that the authority granted by His Majesty's Government for special representation of Canadian interests at Washington was consequent upon entirely exceptional conditions created by non-existence of any natural boundaries dividing Canada from the United States and was not to be admitted as a precedent in the future. The Prime Minister is strongly of opinion that if the present proposal is given effect to the first step towards disruption of the Empire will have been taken. It is essential that all territories of the Crown should be united in their relations to Foreign Powers, and he believes that union can only be maintained by a single representative of the Crown in every foreign capital. He is, therefore, unable to support the proposal.—JELlicoe.

* No. 51.

22212

No. 56.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.18 a.m., 9th May, 1924.)

TELEGRAM.

[Answered by No. 66.]

9TH MAY. Confidential. Your telegram of 22nd April.* Representation of the Irish Free State in the United States of America. My Ministers represent that when special representation of Canada at Washington was agreed to it was stated in Colonial Office telegram of 10th May, 1920,† that the new arrangement would not denote any departure from the principle of diplomatic unity of the Empire, and that the need for this step arose out of the peculiarly close relations that had always existed between the people of Canada and those of the United States.

My Ministers are unaware of any special relations or interests between the Irish Free State and the United States. Consequently, while the step now proposed does not involve any new constitutional principle it does involve the question of expediency because the logical consequence would be for every Dominion to have Minister Plenipotentiary in every British Embassy. This, unless properly safeguarded, might have serious effect on diplomatic unity.

Proposed step, therefore, is important enough to deserve fuller discussion between Britain and the Dominions before effect is given to it. Recent Imperial Conference afforded opportunity for such discussion which was not availed of. It is difficult to carry on inter-Empire discussion by correspondence, and as no urgency is apparent my Ministers suggest that the matter might await the next Conference.—GOVERNOR-GENERAL.

23548

No. 57.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17th May, 1924.)

[Answered by No. 61.]

(Confidential.)

SIR,

Vice Regal Lodge, Dublin, 16th May, 1924.

I HAVE the honour to refer to your Confidential despatch of the 24th April‡ regarding the representation of the Irish Free State at Washington, and to state that it has received the careful consideration of my Ministers.

2. My Ministers are pleased to learn that His Majesty's Government will approach the Government of the United States with a view to the appointment at Washington of an Irish Minister Plenipotentiary with credentials from His Majesty and a letter of appointment from the Government of the Irish Free State.

3. My Ministers do not apprehend that the principle of diplomatic unity in the Commonwealth will be affected inasmuch as the proposed Irish Minister will represent the Irish Free State for the purposes of its particular interests only.

4. Questions which may arise regarding negotiation and signature of Treaties with the United States will be dealt with in accordance with the Resolutions of the Imperial Conference.

5. As the matter is extremely urgent and as presumably the Dominions have made no comments on your telegram of the 22nd April,* my Ministers will be very glad if action can be taken immediately at Washington for the purpose of having Professor Smiddy accepted in the capacity named.

I have, &c.,

T. M. HEALY.

* No. 51. † No. 87 in Dominions No. 66. ‡ No. 52.

22212

No. 58.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 60.]

(Confidential.)

SIR,

Downing Street, 17th May, 1924.

WITH reference to the letter from this Department of the 9th of May* and previous correspondence regarding the special representation of the Irish Free State at Washington, I am directed by Mr. Secretary Thomas to transmit to you, to be laid before Mr. Secretary Ramsay MacDonald, the accompanying copy of a telegram† from the Governor-General of the Commonwealth of Australia.

2. I am also to enclose draft replies‡ to this telegram and to the telegram from the Governor-General of New Zealand of the 3rd of May,§ together with the draft of a further despatch¶ to the Governor-General of the Irish Free State. Mr. Thomas would be glad to know as soon as possible whether Mr. Ramsay MacDonald concurs in the terms of the draft telegrams and of the draft despatch.

3. I am to take this opportunity of stating that whilst, in deference to Mr. Ramsay MacDonald's wishes, Mr. Thomas agreed to the omissions proposed in your letter of the 14th of April,|| he did so on the assumption that, as the terms of the despatch to the Irish Free State would, even after the omissions, indicate the view of His Majesty's Government that the new departure should not affect the principle of the diplomatic unity of the Empire, the question how best that unity could be maintained would become mainly one of procedure. Mr. Thomas still feels that it would be undesirable, and indeed impossible in practice, for the Irish Free State Minister at Washington to be entirely independent of His Majesty's Embassy, and he is confirmed in this view by the replies to his telegram of the 22nd of April.¶ Mr. Thomas would be glad to have an opportunity of discussing the questions involved with Mr. Ramsay MacDonald personally, when the arrangements for the appointment of an Irish Free State representative at Washington have further advanced.

I am, &c.,

C. T. DAVIS.

23548

No. 59.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 60.]

(Confidential.)

SIR,

Downing Street, 24th May, 1924.

WITH reference to the letter from this Office of the 17th May,** regarding the special representation of the Irish Free State at Washington, I am directed by Mr. Secretary Thomas to request you to inform Mr. Secretary Ramsay MacDonald that he has had under consideration the revision of the draft communications to the Governors-General of the Commonwealth of Australia, New Zealand, and the Irish Free State in the light of the despatch†† from the Governor-General of the Irish Free State, of which a copy was transmitted to you under cover of the letter from this Office of 19th May.††

2. Mr. Thomas will be glad to learn as soon as possible whether Mr. Ramsay MacDonald concurs in the revised drafts which accompany this letter.

3. It appears to Mr. Thomas that a communication on the subject to the Government of the United States should now be prepared. He will be glad to be given an opportunity of seeing any such communication in draft, and would further propose to invite the concurrence of the Free State Government in its terms.

I am, &c.,

C. T. DAVIS.

* 21090: not printed.
despatch as sent.

† No. 56.

§ No. 55.

|| No. 50.

¶ No. 51.

** No. 58.

†† No. 57.

†† 23548 L.F.: not printed.

Enclosure 1 in No. 59.

DRAFT TELEGRAM TO GOVERNOR-GENERAL, COMMONWEALTH OF AUSTRALIA.*

CONFIDENTIAL. Your telegram of 9th May.*

His Majesty's Government would certainly not demur to suggestion of Commonwealth Government that general question arising out of proposal for special representation of Irish Free State at Washington should be discussed at next Imperial Conference. But they do not think it is possible to defer action on Irish Free State request pending opportunity for such discussion. There is close interrelation between Irish Free State and United States on account of number of American citizens (now estimated at some sixteen millions) who are of Irish origin. Existence of this population reinforces argument from commercial and financial relations referred to in my telegram of 22nd April.† On receipt of request of Free State Government, His Majesty's Government called their attention to stress laid in 1920 on fact that Canadian arrangement would not denote any departure from principle of diplomatic unity and stated that they assumed it was intention of Free State Government that similar position should obtain in present case.

Government of the Irish Free State have replied that they do not apprehend that the principle of diplomatic unity in the British Commonwealth will be affected inasmuch as the proposed Irish Minister will represent the Irish Free State for the purposes of its particular interests only. Free State Government further state that questions which may arise regarding the negotiation and signature of treaties with the United States will be dealt with in accordance with resolutions of Imperial Conference 1923.

I am sending by mail copies of correspondence with other Dominions, including Irish Free State, and will also let the Commonwealth Government know as soon as communication made to United States Government.

Enclosure 2 in No. 59.

DRAFT TELEGRAM TO GOVERNOR-GENERAL OF NEW ZEALAND.

CONFIDENTIAL. Your telegram of 3rd May.‡ Representation of Irish Free State at Washington. It is quite true that increasing importance of Canadian interests in United States, due largely to geographical reasons, led to 1920 arrangements for special Canadian representation at Washington, but as indicated in my telegram of 22nd April† special interests of Irish Free State both commercial and financial in United States are also very considerable and in the circumstances His Majesty's Government felt that under Article 2 of Irish Treaty they would be bound to act on request of Irish Free State Government for representation at Washington similar to that contemplated in case of Canada.

As regards last part of your message would you please inform your Prime Minister that on receipt of request of Free State Government His Majesty's Government called their attention to fact that in statement made in House of Commons as to Canadian representation at Washington (see my telegram of 10th May, 1920§) stress was laid on fact that new arrangements did not denote any departure from principle of diplomatic unity of British Empire, and stated that they assumed it was intention of Irish Free State Government that a similar position should obtain in the present case. Government of the Irish Free State have replied that they do not apprehend that the principle of diplomatic unity in the British Commonwealth will be affected inasmuch as the proposed Irish Minister will represent the Irish Free State for the purposes of its particular interests only. Free State Government further state that questions which may arise regarding the negotiation and signature of treaties with the United States will be dealt with in accordance with resolutions of Imperial Conference, 1923.

I am sending by mail copies of correspondence with other Dominions, including Irish Free State, and will also let the New Zealand Government know as soon as communication made to United States Government.

* No. 56. † No. 51. ‡ No. 55. § No. 89 in Dominions No. 66.

Enclosure 3 in No. 59.

DRAFT DESPATCH TO GOVERNOR-GENERAL, IRISH FREE STATE.

(Confidential.)

SIR, Downing Street, May, 1924.
I HAVE the honour to acknowledge the receipt of Your Excellency's Confidential despatch of the 16th May,* and to transmit to you, to be laid before your Ministers, a copy of the correspondence† with the Governments of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa resulting from my telegram of the 22nd of April‡ on the subject of the special representation of the Irish Free State at Washington.

2. Your Ministers will observe from this correspondence that in replying to the telegrams from Australia and New Zealand, His Majesty's Government have alluded to the statement in the third paragraph of your despatch under acknowledgment that the proposed Irish Minister will represent the Irish Free State for the purpose of its particular interests only, and that they do not apprehend that the principle of diplomatic unity in the Empire will be affected. His Majesty's Government are glad to learn that it is common ground between themselves and your Ministers that this principle should be maintained.

3. His Majesty's Government also note that questions which may arise regarding negotiation and signature of treaties with the United States will be dealt with in accordance with the resolutions of the Imperial Conference.

4. His Majesty's Government have now under consideration the terms of the communication to be addressed to the Government of the United States. I hope to be in a position to send a further despatch to you on this subject at an early date.

I have, &c.,

25620

No. 60.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 28th May, 1924.)

[Answered by No. 63.]

(Confidential.)

SIR, Foreign Office, S.W.1, 28th May, 1924.

I AM directed by Mr. Secretary Ramsay MacDonald to refer you to your letters of 17th May and 24th May,§ regarding the special representation of the Irish Free State at Washington.

2. I am to say that Mr. Ramsay MacDonald gladly concurs in the suggestion of the Secretary of State for the Colonies for a personal discussion of the questions involved. Mr. Ramsay MacDonald considers, however, it essential that the discussion should take place at the earliest possible moment, rather than, as proposed by Mr. Thomas, when the arrangements for the appointment of an Irish Free State representative have further advanced. Mr. Ramsay MacDonald would propose to be accompanied by the Permanent Under-Secretary of State for Foreign Affairs, and would be glad if Mr. Thomas could arrange to be accompanied by the Permanent Under-Secretary of State for the Colonies, or by the Assistant Under-Secretary acting for him. I am to request that Mr. Ramsay MacDonald may be informed of the earliest date at which it would be convenient for Mr. Thomas to arrange a meeting.

3. In the meantime, I am to transmit, for the consideration of Mr. Thomas, a memorandum prepared in this department as a first statement of the Foreign Office views on the subject.

4. In view of the present divergence between the two departments, and amongst the Governments of the Empire, on important points, Mr. Ramsay MacDonald regrets that he is unable to concur in the despatch of the draft telegrams to the Governments of New Zealand and Australia, and of the draft despatch to the Irish Free State Government which were enclosed in your letters, until he has had an opportunity of discussing this question with Mr. Thomas.

I am, &c.,

ROBERT VANSITTART.

* No. 57. † Nos. 53, 56, 55, 54. ‡ No. 51. § Nos. 58 and 59.

Enclosure in No. 60.

SEPARATE DIPLOMATIC REPRESENTATION AT WASHINGTON OF THE IRISH FREE STATE.

By the Articles of Agreement 1, 2 and 3 of the Irish Free State Agreement, the status of the Irish Free State "in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada."

The Canadian Government was granted the right of separate diplomatic representation at Washington in 1920, though for reasons known to Colonial Office they have not availed themselves of the arrangement offered them.

The right of the Irish Free State to separate representation has on these grounds been agreed to in principle by the Governments of Canada and South Africa as well as by His Majesty's Government, but objected to by that of New Zealand, which states that Canada's right was granted owing to special local conditions, and that it was not to be admitted as a precedent. The Australian Government emphasize the fact that His Majesty's Government informed them that the arrangement with regard to Canada would not denote departure from the principle of the diplomatic unity of the Empire, and that the peculiarly close relations between Canada and the United States were the grounds for the concession. They see no special relations or interests between the Irish Free State and the United States. The present proposal, while not in their eyes involving a new constitutional principle, involves a question of expediency, since logically it implies, in their opinion, special representation of every Dominion in every capital. And this they hold may seriously affect diplomatic unity unless properly safeguarded. They see no urgency for granting the Irish Free State request and desire discussion of the whole question at the next Imperial Conference.

It is true that the special interests and local geographical conditions as between Canada and the United States were the grounds given for granting her request to separate representation. It was, therefore, held that the Irish Free State was in principle entitled to a similar concession if it could be shown that she had special interests in the United States. These are given by the Irish Free State and the Colonial Office as (1) financial and commercial; (2) the question of emigration; and (3) the somewhat novel ground that there are in the United States 16,000,000 United States citizens of Irish extraction whose feelings towards the British Empire would, it is urged, be improved by the presence at Washington of an Irish Minister.

(1) and (2) have been accepted by His Majesty's Government as sufficient justification for granting the Irish Free State's demand, though these considerations are not "special" to Ireland. It has, therefore, been decided that His Majesty's Government would be ready to approach the United States Government with a view to the appointment of an Irish Minister Plenipotentiary at Washington.

There is divergency of opinion between the Foreign Office and Colonial Office, and amongst the Dominion Governments, on two main points.

- (1) The question of preservation of the diplomatic unity of the Empire.
- (2) The question of the urgency for granting the Irish Free State's request.

As regards (1) it was stated at the time that the arrangements for Canadian representation at Washington would not denote any departure either on the part of the British Government or of the Canadian Government from the principle of diplomatic unity in the British Empire, and the Colonial Office position is that "it was a part of the understanding with the Canadian Government that there should be the closest connexion between the Canadian Minister and His Majesty's Ambassador so that there might be constant interchange of views on matters of common concern." All departments and governments concerned agree as to the necessity of not in any way impairing the diplomatic unity of the Empire, but there is disagreement as to method. The Colonial Office view is given above, Canada probably, and South Africa possibly, concur.

The position of the Foreign Office, however, is that close connexion of the kind desired by the Colonial Office, especially in the case now under consideration, can only lead to friction and difficulties and produce a result opposite to that desired. It is felt that it is impossible for His Majesty's Government to accept responsibility for action over which they would have no control. For this reason the Colonial Office, at the Foreign Office request, omitted from their despatch to the Irish Free State any reference to a close connexion between His Majesty's Ambassador and a Free State Minister; but they now state that such a reference

was only omitted on the assumption that the question how best diplomatic unity could be maintained would become mainly one of procedure, and they maintain their view that close communication is essential. They support their view by a reference to those expressed by the Dominion Governments, but from the telegrams it seems clear that any approval of the desirability for diplomatic unity expressed by the Dominions only refers to the general principle and not to the method of applying it. The New Zealand and Australian Governments in fact see in the very appointment of an Irish Minister a grave danger to diplomatic unity. The former do not refer to the question of the relationship of the Irish Free State representative to His Majesty's Ambassador; while the latter, in objecting to the proposal as involving special representation of every Dominion in every foreign country, specifically presume the presence of the Dominion Minister in the British Mission, i.e., they look on the close connexion desired by Colonial Office with disfavour. New Zealand refuses its support to the whole proposal on the ground that it would be the first step towards disruption of the Empire. Australia urges that the whole matter should be held over for discussion at the next Imperial Conference.

(2) The question of urgency is thus raised. The Irish Free State stated that the appointment of a Free State representative is a matter of great urgency, citing as questions which need immediate settlement a solution of the financial and immigration questions affecting them. Although the financial question may still be pressing, with regard to immigration there would appear to be no longer any urgency, since the matter has been taken out of the hands of the Irish Free State (or any foreign) Government by the passage of an Immigration Act which settles the United States regulations for three years—not to mention the jealousy with which Congress regards any representations on the subject. The question of urgency is thus disposed of, except from the purely internal Irish point of view, which is by no means the only factor in the case.

It was further urged in the earlier stages of the discussion of this question that Free State representation should not be granted till it was known what form Canadian representation would take, since the position should be maintained that what Ireland is entitled to is what Canada enjoys; what Canada, however, enjoys at the present time is ill-defined; as pointed out above she has not availed herself of the proposal made by His Majesty's Government because she has found it unworkable.

Attitude of the United States Government.

It is clear from the information in possession of the Foreign Office that the United States Government do not regard with any enthusiasm the appointment of an Irish Minister, entailing as it probably would the appointments of the Ministers of all the Dominions. In this connexion it may also be added that there has been recently considerable recrudescence of Irish Republican propaganda in the United States.

25620

No. 61.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 9th June, 1924.

I HAVE the honour to acknowledge the receipt of Your Excellency's Confidential despatch of the 16th May,* and to transmit to you, to be laid before your Ministers, a copy of the replies† received from the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa to my telegram of the 22nd of April‡ on the subject of the special representation of the Irish Free State at Washington.

2. I hope to be in a position to send a further despatch to you on this subject at an early date.

I have, &c.,

J. H. THOMAS.

* No. 57. † Nos. 53, 56, 55, 54. ‡ No. 51.

25620

No. 62.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

Confidential (2).)

[MY LORD,] [SIR,]

Downing Street, 12th June, 1924.

WITH reference to my Confidential telegram of the 22nd April* and to your Confidential telegram of the [26th April,†] [9th May,‡] [3rd May,§] [28th April,||] I have the honour to transmit to Your Excellency, to be laid before your Ministers,

From Governor-General, Irish Free State, 8th March.*

To Governor-General, Irish Free State, 11th March.**

To Governor-General, Irish Free State, 24th April.††

From Governor-General, Irish Free State, 16th May.‡‡

To Governor-General, Irish Free State, 9th June.§§

From Governor-General, Canada, 26th April.†

From Governor-General, Commonwealth of Australia, 9th May.‡

From Governor-General, New Zealand, 3rd May.§

From Governor-General, Union of South Africa, 28th April.||

a copy of correspondence with the Governor-General of the Irish Free State, as noted in the margin, on the subject of the special representation of the Irish Free State at Washington.

2. Similar despatches are being addressed to the Governors-General of [To Canada: the Commonwealth of Australia, New Zealand, and the Union of South Africa.] [To Australia: Canada, New Zealand, and the Union of South Africa.] [To New Zealand: Canada, the Commonwealth of Australia, and the Union of South Africa.] [To Union of South Africa: Canada, the Commonwealth of Australia, and New Zealand.]

I have, &c.,

J. H. THOMAS.

25620

No. 63.

COLONIAL OFFICE to FOREIGN OFFICE.

(Confidential.)

SIR,

Downing Street, 12th June, 1924.

WITH reference to your Confidential letter of the 28th May,||| I am directed by Mr. Secretary Thomas to transmit to you, for the information of Mr. Secretary Ramsay MacDonald, a copy of a despatch,§§ to the Governor-General of the Irish Free State, together with copies of despatches†† to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa, on the subject of the special representation of the Irish Free State at Washington.

2. Mr. Thomas will be glad to discuss the matter with the Secretary of State for Foreign Affairs at the earliest possible opportunity.

3. In the meantime it was thought advisable to send an interim reply to the Irish Free State; the terms of the despatch to the Governor-General enclosed herein were concurred in by the Permanent Under-Secretary of State for Foreign Affairs.

I am, &c.,

C. T. DAVIS.

29035

No. 64.

MR. J. H. THOMAS to MR. W. T. COSGRAVE.

DEAR MR. PRESIDENT,

Downing Street, 18th June, 1924.

I WANT to express to you my personal regret that we have not been able to give you a conclusive reply to the Governor-General's despatch of the 16th May†† on the subject of separate representation of the Irish Free State at Washington. This despatch was at once referred to the Foreign Office for action, and after going

* No. 51. † No. 53. ‡ No. 56. § No. 55. || No. 54. ¶ No. 45. ** 9905: not printed. †† No. 52. ‡‡ No. 57. §§ No. 61. ||| No. 60. ¶¶ No. 62.

into the matter the Prime Minister, who, as you know, is also Secretary of State for Foreign Affairs, on the 28th May asked me to discuss with him at the earliest possible date certain details which required to be settled between the two Offices. Owing to my illness I was unable to take up the matter till I returned to this Office on Monday the 16th instant. On going into the papers we find that there are a number of points of detail which call for arrangement not only between your Government and ours but between various departments here. In these circumstances I am convinced that the only way of reaching the early settlement you desire, and to which you are entitled, is to adopt the procedure practised with so much success when complicated arrangements had to be made in the days of the Provisional Government. That procedure, as I am informed, was for representatives of the Irish Government, including Ministers, to thrash out all the details with representatives of the various departments concerned here in personal conference. The results as agreed were reduced to writing on the spot. Where agreement could not be reached the matter was at once taken up direct between British and Irish Ministers, brought to an issue, and the agreements arrived at remitted where necessary for immediate confirmation by both Cabinets.

The principle in this case is not at issue, for, as you will remember, I informed the Governor-General in my despatch of the 24th April* that "His Majesty's Government are ready to approach the United States Government with a view to the appointment of a Minister Plenipotentiary at Washington with credentials from His Majesty and a letter of appointment from the Government of the Irish Free State."

The practical points which require to be settled in approaching the Government of the United States can, I am sure, be disposed of by personal conference in fewer days than the weeks which will be taken if we proceed by correspondence.

If you agree to adopt this procedure, I shall be glad to arrange for the Conference at the earliest possible date. If you think it desirable to make a public statement on the matter, by all means do so at once.

Yours, &c.,
J. H. THOMAS.

29035

No. 65.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 18th June, 1924.
I AM directed by Mr. Secretary Thomas to transmit to you a copy of a letter† which he has addressed to the President of the Executive Council of the Irish Free State regarding the separate representation of the Irish Free State at Washington.

2. The letter has been despatched after personal consultation with the Prime Minister, who has already been placed in possession of a copy.

I am, &c.,
C. T. DAVIS.

29304

No. 66.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 10 p.m., 19th June, 1924.)

TELEGRAM.

CONFIDENTIAL. Your telegram of 9th May.‡ His Majesty's Government would certainly not demur to suggestion of Commonwealth Government that general question arising out of proposal for special representation of Irish Free State at Washington should be discussed at next Imperial Conference. But they do not think it is possible to defer action on Irish Free State request pending opportunity for such discussion. There is close inter-relation between Irish Free State and United States on account of number of American citizens (now estimated at some

* No. 52. † No. 64. ‡ No. 56.

sixteen millions) who are of Irish origin. Existence of this population reinforces argument from commercial and financial relations referred to in my telegram of 22nd April.*

On receipt of request of Free State Government, His Majesty's Government called their attention to stress laid in 1920 on fact that Canadian arrangement would not denote any departure from principle of diplomatic unity, and stated that they assumed it was intention of Free State Government that similar position should obtain in present case.

Government of the Irish Free State have replied that they do not apprehend that the principle of diplomatic unity in the British Commonwealth will be affected inasmuch as the proposed Irish Minister will represent the Irish Free State for the purposes of its particular interests only. Free State Government further state that questions which may arise regarding the negotiation and signature of treaties with the United States will be dealt with in accordance with resolutions of Imperial Conference, 1923.

Copies of correspondence with other Dominions, including the Irish Free State, sent by despatch of 12th June.† Further correspondence follows by mail.—
SECRETARY OF STATE FOR THE COLONIES.

29304

No. 67.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 10 p.m., 19th June, 1924.)

TELEGRAM.

CONFIDENTIAL. Your telegram of 3rd May.‡ Representation of Irish Free State at Washington. It is quite true that increasing importance of Canadian interests in United States, due largely to geographical reasons, led to 1920 arrangements for special Canadian representation at Washington, but, as indicated in my telegram of 22nd April,* special interests of Irish Free State, both commercial and financial, in United States are also very considerable, and in the circumstances His Majesty's Government felt that under Article 2 of Irish Treaty they would be bound to act on request of Irish Free State Government for representation at Washington similar to that contemplated in case of Canada.

As regards last part of your message, would you please inform your Prime Minister that, on receipt of request of Free State Government, His Majesty's Government called their attention to fact that in statement made in House of Commons as to Canadian representation at Washington (see my telegram of 10th May, 1920§), stress was laid on fact that new arrangements did not denote any departure from principle of diplomatic unity of British Empire, and stated that they assumed it was intention of Irish Free State Government that a similar position should obtain in the present case. Government of the Irish Free State have replied that they do not apprehend that the principle of diplomatic unity in the British Commonwealth will be affected inasmuch as the proposed Irish Minister will represent the Irish Free State for the purposes of its particular interests only. Free State Government further state that questions which may arise regarding the negotiation and resolutions of Imperial Conference, 1923.

signature of treaties with the United States will be dealt with in accordance with Copies of correspondence with other Dominions, including the Irish Free State, sent by despatch of 12th June.† Further correspondence follows by mail.—
SECRETARY OF STATE FOR THE COLONIES.

* No. 51. † No. 62. ‡ No. 55. § No. 89 in Dominions No. 66.

29304

No. 68.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 20th June, 1924.

In continuation of my Confidential despatch of the 9th of June,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of telegrams† which have now been sent to the Governments of the Commonwealth of Australia and New Zealand on the subject of the special representation of the Irish Free State at Washington.

2. You will observe that in these telegrams His Majesty's Government have alluded to the statement in the third paragraph of your Confidential despatch of the 16th of May,‡ that the proposed Irish Minister will represent the Irish Free State for the purpose of its particular interests only, and that they do not apprehend that the principle of diplomatic unity in the Empire will be affected. His Majesty's Government are glad to learn that it is common ground between themselves and your Ministers that this principle should be maintained.

3. His Majesty's Government also note that questions which may arise regarding negotiation and signature of treaties with the United States will be dealt with in accordance with the resolutions of the Imperial Conference.

4. In order to give effect to the undertakings of His Majesty's Government under the Treaty, in its public declarations and in the correspondence which has taken place, some important details require to be settled. For this purpose it has been agreed that personal conference would be the most expeditious and satisfactory procedure; and I am awaiting the visit of the Minister of External Affairs to-morrow morning, 21st June.

I have, &c.,

J. H. THOMAS.

29304

No. 69.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

Confidential.)

[MY LORD,] [SIR,]

Downing Street, 20th June, 1924.

In continuation of my despatch Confidential (2) of the 12th of June,§ I have the honour to transmit to Your Excellency, to be laid before your Ministers, copy of a further despatch,|| with enclosures, to the Governor-General of the Irish Free State on the subject of the special representation of the Irish Free State at Washington.

2. Similar despatches are being addressed to the Governors-General of [To Canada: the Commonwealth of Australia, New Zealand and the Union of South Africa.] [To Australia: Canada, New Zealand and the Union of South Africa.] [To New Zealand: Canada, the Commonwealth of Australia and the Union of South Africa.] [To Union of South Africa: Canada, the Commonwealth of Australia and New Zealand.]

I have, &c.,

J. H. THOMAS.

* No. 61. † Nos. 66 and 67. ‡ No. 57. § No. 62. || No. 68.

29304

No. 70.

COLONIAL OFFICE to FOREIGN OFFICE.

(Confidential.)

SIR,

Downing Street, 20th June, 1924.

In continuation of the letters from this Department of the 12th and 18th of June,* I am directed by Mr. Secretary Thomas to transmit to you, for the information of Mr. Secretary Ramsay MacDonald, copy of a despatch† which, as a result of the personal discussion which he had with the Prime Minister on the 19th instant, he has now sent to the Governor-General of the Irish Free State on the subject of the special representation of the Irish Free State at Washington.

2. Copies of the telegrams‡ sent to the Governments of the Commonwealth of Australia and New Zealand are also enclosed.

I am, &c.,

C. T. DAVIS.

29035

(Confidential.)

No. 71.

IRISH FREE STATE MINISTER AT WASHINGTON.

NOTES OF CONVERSATION AT THE COLONIAL OFFICE ON SATURDAY THE 21ST JUNE, 1924.

Present:

MR. D. FITZGERALD, T.D. (in the Chair).

LORD ARNOLD.

SIR C. J. B. HURST, K.C.B., K.C.

SIR C. T. DAVIS, K.C.M.G.

MR. L. CURTIS.

MR. E. J. HARDING, C.M.G.

MR. S. MURPHY.

MR. C. W. DIXON.

It was made clear at the outset that, while the British Government had undertaken to approach the United States Government with a view to the appointment of a Free State Minister at Washington, and would use their best endeavours to obtain the concurrence of the United States Government, it was not possible to give any guarantee that the latter would accept the proposal. Mr. Fitzgerald stated that this was fully understood.

As regards the status of the Free State Representative the following conclusions were reached:—

1. While the Free State Minister would be the official channel of communication with the United States Government for dealing with matters exclusively affecting the Free State, the principles of the resolution of the Imperial Conference of 1923 as to the negotiation, signature and ratification of Treaties, and in particular of that part of the Resolution which relates to the conduct of matters affecting more than one part of the Empire would apply generally to all questions with which he dealt. The Ambassador would in the same way keep the Irish Free State Minister informed of any matters which might affect the Irish Free State. If any doubt should arise whether any particular question exclusively concerned the Free State, the point would, if possible, be settled by consultation between the Free State Minister and the British Ambassador. If the matter could not be settled by such consultation, it would be referred to the British Government and the Free State Government.

2. In order to meet the possibility that any particular question might in its initial stages be exclusively of concern to the Free State and might subsequently prove to be of concern to other parts of the Empire, the Free State Minister would keep in close contact with the British Ambassador.

* Nos. 63 and 65. † No. 68. ‡ Nos. 66 and 67.

3. While the Free State Minister would not purport to deal with matters affecting the Empire as a whole, the assistance of the British Ambassador and the Embassy staff would always be at his disposal, if desired. The Ambassador would not, however, be in any way responsible for action taken by the Free State Minister, nor would the latter be in any way subject to the Ambassador's control.

As regards the credentials to be issued (see draft furnished to the Free State Government in the Secretary of State's Confidential despatch of the 24th April*) Mr. Fitzgerald asked for consideration of the following points:—

(1) Whether in His Majesty's title in the heading to the draft credentials retention of the words "United Kingdom of Great Britain and Ireland" was essential whilst the law remains as at present.

(2) Whether some formula might be found in place of the words "to attach him to our Embassy" in the first paragraph of the draft.

(3) Whether in view of the practice as regards certain documents relating to the negotiation, signature and ratification of Treaties, the counter-signature of the Secretary of State for Foreign Affairs was necessary.

Mr. Fitzgerald agreed that it was desirable that a copy of the letter of instructions issued to the Free State Minister at Washington should be communicated to the British Government. Sir C. Hurst expressed a similar opinion as regards any instructions sent to the British Ambassador.

As regards the method of raising the matter with the United States Government, Mr. Fitzgerald stated that the Free State Government would prefer that a formal communication should be made to the United States Government without any preliminary informal inquiry.

It was agreed that the draft of the necessary communication to the United States Government should be prepared for consideration at a further meeting to be held on Monday the 23rd June, at 5 p.m.

29035

(Confidential.)

No. 72.

IRISH FREE STATE MINISTER AT WASHINGTON.

NOTES OF A CONVERSATION AT THE COLONIAL OFFICE ON MONDAY THE 23RD JUNE, 1924.

Present:

MR. D. FITZGERALD, T.D. (in the Chair).

LORD ARNOLD.

SIR C. T. DAVIS, K.C.M.G.

SIR C. J. B. HURST, K.C.B., K.C.

MR. G. R. WARNER.

MR. L. CURTIS.

MR. E. J. HARDING, C.M.G.

MR. G. G. WHISKARD, C.B.

MR. S. MURPHY.

MR. C. W. DIXON.

THE drafts of three telegrams from the Foreign Office to the British Ambassador at Washington (Annexures A,† B,‡ and C§) were communicated to Mr. Fitzgerald, who expressed his general concurrence in their terms. Mr. Fitzgerald circulated the draft of a proposed letter of instructions from the Irish Free State Government to Professor Smiddy (Annexure D§). Sir C. Hurst and Mr. Warner, on behalf of the Foreign Office, expressed general concurrence in its terms.

It was agreed that, in the event of publication of papers becoming necessary, there would be no objection to the publication of the text of the telegrams forming Annexures B and C, but that the text of the telegram forming Annexure A and the letter (Annexure D) should not be published. It was understood that, in the event of either Government desiring to publish the text of the telegrams, the other would be consulted before publication took place.

* No. 52. † See enclosure in No. 70. ‡ See enclosures in No. 75. § See enclosure in No. 83

As regards the three questions raised by Mr. Fitzgerald at the meeting on the 21st June as to the form of the draft credentials, Sir C. Hurst stated the position as follows:—

(1) Whilst the law remains as at present the omission from the King's title of the words "United Kingdom of Great Britain and Ireland" would not be feasible.

(2) There would be no objection to the omission from the first paragraph of the draft credentials of the words "and to attach him to our Embassy." The paragraph would then read "We have judged it expedient to confer the rank of Minister Plenipotentiary upon . . . with the especial object of representing in the United States of America the interests of Our Irish Free State."

(3) The counter-signature of the Secretary of State for Foreign Affairs was not considered necessary. It was proposed to alter the general practice in this respect.

In reply to an inquiry by Mr. Fitzgerald, Sir C. Hurst stated that the appointment of a Minister Plenipotentiary, who was not also Envoy Extraordinary, was not unusual.

30155

No. 73.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 6.50 p.m., 24th June, 1924.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

24TH JUNE. Confidential. Special representation of Irish Free State at Washington. Details of proposal have been discussed with Minister for External Affairs, Irish Free State, and His Majesty's Ambassador at Washington has now been instructed to approach United States Government. Statements will be made in both Houses of Parliament to-morrow.

Copies of telegrams to His Majesty's Ambassador being sent by mail.—
SECRETARY OF STATE FOR THE COLONIES.

22059

No. 74.

HOUSE OF LORDS.

(25th June, 1924.)

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (LORD ARNOLD): My Lords, the noble Earl has put down on the Paper three specific Questions regarding the representation of the Irish Free State at Washington. In my reply I shall confine myself to the first two of these Questions, and the third, which falls more naturally within the purview of the Foreign Office, will be dealt with by my noble and learned friend, the Lord President of the Council.

The noble Earl's first Question is whether it is correct that a Minister representing the Irish Free State will shortly be appointed to Washington, and that His Majesty's Government has raised no objection to such an appointment. I am not yet in a position to say that the Irish Free State will be represented by a Minister at Washington, inasmuch as the views of the United States Government on this proposal have not yet been ascertained; but His Majesty's Government have instructed the British Ambassador at Washington to inform the United States Government that they have come to the conclusion that it is desirable that the conduct of matters at Washington exclusively relating to the Irish Free State should be confided to a Minister Plenipotentiary accredited to the United States, and they trust that this proposal will be found acceptable to the United States Government.

The noble Earl's second Question is under what clause of the Irish Treaty will

this appointment be made. I am not prepared to admit that it is necessary that every development in the constitutional relations between the Irish Free State and this country should be specifically provided for in the Treaty; it is sufficient that any such development should not be contrary to the Treaty: but in fact this proposal is by implication clearly covered by Article 2 of the Treaty, which provides that the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada. It will be within the recollection of your Lordships that on 10th May, 1920, the then Lord Privy Seal, Mr. Bonar Law, announced in another place that an arrangement had been concluded between the British and Canadian Governments to provide more complete representation at Washington of Canadian interests than had hitherto existed, and that it had been accordingly agreed that His Majesty, on the advice of His Canadian Ministers, should appoint a Minister Plenipotentiary who would have charge of Canadian affairs and would at all times be the ordinary channel of communication with the United States Government in matters of purely Canadian concern, acting upon instructions from, and reporting direct to, the Canadian Government. The principle of distinctive representation at Washington having been agreed to in 1920 in the case of Canada, it must clearly, under the terms of Article 2 of the Treaty, be regarded as inherent in the constitutional *status* of the Irish Free State; and even had His Majesty's Government not been convinced that the appointment of such a Minister was desirable in itself, they would have felt bound, in view of the Canadian precedent and the terms of the Treaty, to agree to make proposals to the United States Government in the sense desired by the Government of the Irish Free State.

But I should, as I have already suggested, be unwilling that your Lordships should suppose that this proposal has been made to the United States Government solely as an automatic result of the Treaty and without consideration of its intrinsic merits. The proposal for the distinctive representation of Canada at Washington was made in consideration of the great and special importance of Canadian interests in the United States; and this consideration applies with almost equal force to the case of the Irish Free State. It is true that the Canadian Government has not yet availed itself of the arrangement made in 1920, but this does not affect the principle. The direct and particular interests of the Irish Free State in the United States are such that His Majesty's Government concur with the Government of the Irish Free State in thinking that these interests can be most conveniently handled by a Minister of their own. It is clearly understood that the powers of the Irish Free State Minister are strictly limited to matters and interests relating exclusively to the Irish Free State.

LORD PARMOOR: My Lords, it will probably be convenient if I reply to the third Question asked by the noble Earl. It is one of great importance as regards our diplomatic relations in the future, and I have been asked to answer it directly on behalf of the Foreign Office. I appreciate the difficulties to which the noble Earl has referred, but I hope I shall be able to show by the answer that they have been provided against to a great extent. You can have no absolute provision against all possible complications, but in this case every possible provision will be made, and I do not think any difficulty will, in fact, arise. The noble Earl's third Question is:

"What steps His Majesty's Government propose to take to harmonize the representations of the British Ambassador and of the Free State Minister in respect of matters which concern both Great Britain and Ireland or the whole British Empire."

My noble friend who has just spoken has indicated in his reply that the powers of the Irish Free State Minister will be confined strictly to matters relating exclusively to the Irish Free State.

I desire to explain a little more fully, on behalf of the Foreign Office, the arrangements which it is proposed to make if the United States Government agree to the proposals made to them by His Majesty's Government in this matter and agrees to accept a Minister Plenipotentiary at Washington representing the interests of the Irish Free State. As the noble Lord has already pointed out, that step has not yet been taken on behalf of the United States. If, then, the United States Government concur in the proposals, the Irish Free State Minister will receive his credentials in the usual manner from His Majesty, his letter of appointment being issued by the Free State Government. Both documents will make it clear that his appointment is for the purpose of dealing with matters especially

affecting the Irish Free State. The principle of the Resolution of the Imperial Conference of 1923 as to the negotiation, signature and ratification of Treaties, and in particular of that part of the Resolution which relates to the conduct of matters affecting more than one part of the Empire, will apply generally to all questions with which the Minister deals. If any doubt should arise whether any particular question exclusively concerned the Free State, the point would, if possible, be settled by consultation between the Free State Minister and the Ambassador, and, if the matter could not be settled by such consultation, it would be referred by the Ambassador and the Minister to their respective Governments.

In order to meet the possibility that any particular question might in its initial stages be exclusively of concern to the Free State and might subsequently prove to be of concern to other parts of the Empire, explicit instructions will be issued by the Free State Government to the Minister that he is to keep in close touch with the Ambassador, and corresponding instructions will be issued to the Ambassador by His Majesty's Government.

These arrangements are designed with the view of limiting the representative of the Free State to Irish questions only, and have been agreed as the result of personal consultation between the representatives of His Majesty's Government and Mr. Fitzgerald, the Minister for External Affairs of the Irish Free State, who has recently been in London for the purpose of such consultation.

Before I sit down I should wish to refer to a matter which has already been touched upon by my noble friend, Lord Arnold—namely, the effect which this proposal will have upon the very important principle of the diplomatic unity of the Empire. In the instructions issued to His Majesty's Ambassador it has been made clear that these proposals do not denote any departure from this principle. While, on the one hand, it should be understood that the Irish Free State Minister will take his instructions solely from his own Government, so that the Minister will not be under the control of the Ambassador nor will the Ambassador be responsible for what is done by the Minister, on the other hand, the Minister will not be concerned with Imperial questions. His Majesty's Government are confident that this appointment will strengthen cordial relations with the United States without in any way impairing the principle, to which His Majesty's Government attach the greatest importance, of the diplomatic unity of the whole of the British Empire.

30155

No. 75.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada. Confidential 2.)
(Commonwealth of Australia. Confidential 2.)
(New Zealand. Confidential.)
(Union of South Africa. Confidential 2.)
(Irish Free State. Confidential 2.)

[MY LORD,] [SIR,]

Downing Street, 25th June, 1924.

WITH reference to my Confidential despatch of the 20th of June,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of telegrams sent on 23rd June to His Majesty's Ambassador at Washington regarding the proposed appointment of a Minister Plenipotentiary, to be accredited to the United States Government, who would represent the interests of the Irish Free State.

[To Irish Free State only: 2. The terms of these telegrams were settled in consultation with the Minister for External Affairs on 23rd June.]

(2) [(3) To Irish Free State.] Copies of the telegrams to Sir E. Howard are also being communicated to the Governors-General of [To Canada: the Commonwealth of Australia, New Zealand, the Union of South Africa and the Irish Free State.] [To Australia: Canada, New Zealand, the Union of South Africa and the Irish Free State.] [To New Zealand: Canada, the Commonwealth of Australia, the

* No. 68.

Union of South Africa and the Irish Free State.] [*To Union of South Africa: Canada, the Commonwealth of Australia, New Zealand and the Irish Free State.*] [*To Irish Free State: Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa.*]

I have, &c.,
J. H. THOMAS.

Enclosure 1 in No. 75.

TELEGRAM TO SIR E. HOWARD (WASHINGTON) FROM THE FOREIGN OFFICE.

(Sent 9.45 p.m., 23rd June, 1924.)

(No. 181 (R).)

PLEASE make the communication contained in my immediately succeeding telegram to the United States Government and express the hope that they will concur in the appointment of an Irish Free State Minister at Washington on the footing therein indicated.

I must explain to Your Excellency that the close and peculiar relations between the people of the Irish Free State and those of the United States have convinced His Majesty's Government that the Irish Free State should be represented in some distinctive manner, and as you were informed in my despatch No. 764 of 8th May I promised the Irish Free State that His Majesty's Government would approach the United States Government with a view to securing the appointment of a Minister Plenipotentiary with credentials from the King and a letter of appointment from the Irish Free State.

It is confidently hoped that this step will promote the maintenance and development of cordial relations between the British Empire and the United States.

Enclosure 2 in No. 75.

TELEGRAM TO SIR E. HOWARD (WASHINGTON) FROM THE FOREIGN OFFICE.

(Sent 10.45 p.m., 23rd June, 1924.)

(No. 182 (R).)

My immediately preceding telegram.

His Majesty's Government have come to the conclusion that it is desirable that the handling of matters at Washington exclusively relating to the Irish Free State should be confided to a Minister Plenipotentiary accredited to the United States Government. They hope that the latter will concur in the appointment of a Minister for this purpose. He would be accredited by His Majesty to the President and he would be furnished with credentials which would enable him to take charge of all affairs relating only to the Irish Free State. He would be the ordinary channel of communication with the United States Government on these matters.

Matters which are of Imperial concern or which affect other Dominions in common with the Irish Free State will continue to be handled as heretofore by the Embassy.

The proposed arrangement would not denote any departure from the principle of the diplomatic unity of the Empire. The Irish Free State Minister would at all times be in close touch with the Ambassador, and any question which may arise as to whether a matter falls within the category of those to be handled by the Irish Free State Minister or not would be settled by consultation between them. In matters falling within his sphere the Irish Free State Minister would not be subject to the Ambassador's control, nor would the Ambassador be responsible for the Minister's actions.

On questions such as the precedence to be attributed to the Irish Free State Minister, or on other points which they may desire to raise, His Majesty's Government will await the views of the United States Government.

Enclosure 3 in No. 75.

TELEGRAM TO SIR E. HOWARD (WASHINGTON) FROM THE FOREIGN OFFICE.

(Sent 11 p.m., 23rd June, 1924.)

(No. 183.)

You should address communication to United States Government in the sense of my telegrams Nos. 181 and 182 (of to-day) about 11 a.m., Wednesday, 25th June, as statement on subject is to be made in House of Lords that afternoon.

30155

No. 76.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

[Answered by No. 83.]

(Canada.	} Secret.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Irish Free State.	

[MY LORD,] [SIR,]

Downing Street, 25th June, 1924.

WITH reference to my Confidential (2) despatch of to-day,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of a Confidential telegram sent to His Majesty's Ambassador at Washington on 23rd June regarding the proposed appointment of a Minister Plenipotentiary at Washington who would represent the interests of the Irish Free State.

[*To Irish Free State only: 2.* The terms of this telegram also were settled in consultation with the Minister for External Affairs, and it was understood from Mr. Fitzgerald that His Majesty's Government would be furnished with a copy of the letter of instructions which it was proposed to send to Professor Smiddy as soon as that letter had been despatched.]

(2) [(3) *To Irish Free State.*] Copies of the telegram to Sir E. Howard are also being communicated to the Governors-General of [*To Canada: the Commonwealth of Australia, New Zealand, the Union of South Africa and the Irish Free State.*] [*To Australia: Canada, New Zealand, the Union of South Africa and the Irish Free State.*] [*To New Zealand: Canada, the Commonwealth of Australia, the Union of South Africa and the Irish Free State.*] [*To South Africa: Canada, the Commonwealth of Australia, New Zealand and the Irish Free State.*] [*To Irish Free State: Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa.*]

I have, &c.,
J. H. THOMAS.

Enclosure in No. 76.

TELEGRAM TO SIR E. HOWARD (WASHINGTON) FROM THE FOREIGN OFFICE.

(Sent 9.45 p.m., 23rd June, 1924.)

(No. 180. Confidential.)

FOR your confidential information.

It has been found necessary to instruct you to approach the United States Government at once with regard to the appointment of an Irish Free State Minister Plenipotentiary at Washington without prior informal conversations, because His Majesty's Government promised the Irish Free State Government that they would approach the United States Government on the subject and from the point of view of the stability of the Irish Free State this undertaking must be fulfilled. We cannot run the risk of the United States Government making it clear, when sounded unofficially, that the proposal would be rejected by them, as, if so, His Majesty's Government could not put the proposal forward officially.

It is hoped that the appointment of an Irish Free State Minister will strengthen and consolidate the position of the Irish Free State.

The basis on which the appointment will be made and which will control the future relations between you and the Irish Free State Minister will be the principle underlying the treaty resolutions of the Imperial Conference in October last. (See Lord Curzon's circular despatch of 26th December, 1923.) It would follow that:

(a) Matters exclusively affecting Irish affairs will be under the control of the Irish Free State Minister.

(b) The question whether a matter relates exclusively to Irish Free State or not will not be decided by the Irish Free State Minister alone, but will be decided in consultation with the Ambassador; if they are unable to come to an agreement, the point must be decided by the two Governments concerned in consultation.

(c) There must be no attempt by the Irish Free State Minister to deal with Imperial affairs or with affairs concerning some Dominion other than Irish Free State; on these matters the Ambassador will take the necessary action in accordance with the existing practice.

(d) The Irish Free State Minister will be entitled to the benefit of the help and advice of the Ambassador and of the staff of the Embassy, but the Ambassador will not be in any way responsible for what is done by the Irish Free State Minister, nor will the Irish Free State Minister be in any way under the control of the Ambassador.

The extent to which this help and advice can be given will depend very largely on the personal relations between the two men and upon their personal characteristics. It cannot be ensured by instructions conveyed in official documents. If the Irish Free State Minister plays the game, he may be quite certain of receiving all the help the Ambassador can give.

Close contact between the Ambassador and the Minister is essential. This can be achieved without the Minister being dependent on or controlled by the Ambassador. The instructions which will be issued to the Irish Free State Minister are intended to ensure this.

My telegrams Nos. 181 and 182 contain instructions regarding communication to be made to United States Government.

It is not proposed to give the Minister the rank of Envoy Extraordinary.

30618

No. 77.

HOUSE OF COMMONS.

(26th June, 1924.)

IRISH FREE STATE: REPRESENTATION AT WASHINGTON.

MR. BALDWIN (by Private Notice) asked the Secretary of State for the Colonies whether he has any statement to make on the question of the representation of the Irish Free State at Washington?

MR. THOMAS: As I informed the House on Monday, His Majesty's Government have been asked by the Irish Free State to request the Government of the United States to receive a Minister Plenipotentiary accredited by His Majesty to the President, and furnished with credentials enabling him to take charge of all affairs relating only to the Irish Free State. I must remind the House that His Majesty's Government agreed to a similar application from the Canadian Government in 1920. We are bound by the Treaty as made by our predecessors and ratified by Parliament to give the Irish Free State the same facilities which would be given to the other Dominions. The request from the Irish Free State was clearly within the terms of Article 2 of the Treaty, and His Majesty's Government had no hesitation in agreeing to the principle. A communication to that effect was sent to the Governments of the other Dominions.

A number of details remained to be settled, and as the Government of the Irish Free State, in view of the magnitude of interests of the Free State in the United States and of the urgency of certain questions, were anxious that the step should be taken at once, I suggested that the communication to be sent to His Majesty's

Ambassador in Washington should be settled in personal consultation with the Free State Minister for External Affairs. As a result of these consultations, the Ambassador has been asked to approach the Government of the United States in the matter.

The proposal upon which we arrived at an agreement is that, while the Free State Minister would be the official channel of communication with the United States Government for dealing with matters exclusively affecting the Free State, the principle of the Resolution of the Imperial Conference of 1923 as to the negotiation, signature and ratification of Treaties and, in particular, of that part of the Resolution which relates to the conduct of matters affecting more than one part of the Empire, would apply generally to all questions with which he dealt. If any doubt should arise whether any particular question exclusively concerned the Free State, the point would, if possible, be settled by consultation between the Free State Minister and the Ambassador. If the matter could not be settled by such consultation, it would be referred to the British Government and the Free State Government.

In order to meet the possibility that any particular question might in its initial stages be exclusively of concern to the Free State, and might subsequently prove to be of concern to other parts of the Empire, the Free State Minister would keep in close contact with the Ambassador.

While the Free State Minister would not purport to deal with matters affecting the Empire as a whole, the assistance of the Ambassador and his staff would be at his disposal, if desired. The Ambassador would not, however, be in any way responsible for action taken by the Free State Minister, nor would the latter be in any way subject to the Ambassador's control.

In this, as in all other matters relating to Ireland, His Majesty's Government have been guided by the principles laid down by the Prime Minister in the first paragraph of the statement which he made to the House on the 4th June. As my right hon. Friend then said, the Irish question is no longer a matter at issue between parties in this House. To us on this side of the House, as to my hon. Friends opposite, the Treaty embodies a final settlement of Anglo-Irish relations, made once for all, with no ulterior purpose. I regret that the significance of these words has not been fully recognized.

There are people in both countries who continue to urge that demands for a Republic in Ireland, if made, should be conceded. Once for all, let it be understood that any such demand would receive from His Majesty's present advisers the same reply and no other than that which it would, I believe, have received from either of the two previous Governments which have been in office since the Treaty was signed. We shall carry out the letter and spirit of the Treaty ourselves as the Government of the Irish Free State has done in the past and as we look to all future Governments in the Free State to do in the future.

While the utterances to which I refer attract little attention in this country, they give rise to hopes and fears elsewhere which are not destined to be realized in fact. We believe that peace and friendship can be maintained with Ireland by the establishment of the Free State as a self-governing Dominion of the British Commonwealth and in no other way. It is for that reason that we are glad to see the Irish Free State assuming all the privileges to which she is entitled under the Treaty in common with Canada and the other Dominions.

30547

No. 78.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.15 p.m., 28th June, 1924.)

TELEGRAM.

PLEASE inform your Ministers that His Majesty's Ambassador at Washington has telegraphed that United States Secretary of State on being handed note authorized him to say that United States Government were quite in agreement with its contents, and would receive Irish Minister with pleasure. Despatch follows.—
SECRETARY OF STATE FOR THE COLONIES.

30547

No. 79.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 1.0 p.m., 28th June, 1924).

TELEGRAM.

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)

28TH JUNE. Confidential. My telegram of 24th June.* On being handed note by His Majesty's Ambassador, United States Secretary of State authorized him to say that United States Government were quite in agreement with its contents, and would receive Irish Minister with pleasure. Despatch follows by mail.—
 SECRETARY OF STATE FOR THE COLONIES.

30547

No. 80.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 82.]

(Confidential.)

SIR,

Downing Street, 28th June, 1924.

WITH reference to my Confidential despatch of the 25th June,† and in continuation of my telegram of to-day,‡ I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a telegram from His Majesty's Ambassador at Washington on the subject of the appointment of a Minister Plenipotentiary, to be accredited to the United States Government, to represent the interests of the Irish Free State.

I have, &c.,

J. H. THOMAS.

Enclosure in No. 80.

TELEGRAM FROM SIR E. HOWARD (WASHINGTON) TO FOREIGN OFFICE.

(Received 9.0 a.m., 27th June, 1924.)

(No. (R).)

26TH JUNE. On the evening of 24th June, while at New York for the opening of democratic convention, I received a telegram from Mr. Brooks that a note to United States Government informing them that His Majesty's Government intended to appoint an Irish representative to Washington was on its way from Embassy summer quarters to Washington. I therefore left at once for Washington to present it personally.

As note had not arrived yesterday morning, I informed Mr. Hughes by telephone that it was on its way in order that he might not hear of it first by publication in press of statement made in Parliament. Note arrived this morning and I handed it to Secretary of State who authorized me to say that United States Government were quite in agreement with its contents and would receive Irish envoy with pleasure. I asked if he had any comments to make on question of precedence of envoy, and he said he presumed this would be settled by ordinary protocol. I pointed out that envoy would be minister plenipotentiary only, not envoy extraordinary. As regards question which might ultimately arise as to whether certain matters were within competence of Irish Legation or this Embassy he said these could only be settled as they arose, and it was no use to attempt to define them now. I agreed.

* No. 78. † No. 75. ‡ No. 78.

He inquired if United States Government could at once publish note and their agreement. I said it would be preferable not to publish text of note, but only a communiqué giving summary of important points. He agreed.

Summary of Lord Arnold's statement in House of Lords yesterday appears in press this morning.

30547

No. 81.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)

Confidential.)

[My LORD,] [SIR,]

Downing Street, 30th June, 1924.

WITH reference to my Confidential despatch of the 25th June,* and to my telegram of 28th June,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of a telegram‡ from His Majesty's Ambassador at Washington on the subject of the appointment of a Minister Plenipotentiary, to be accredited to the United States Government, to represent the interests of the Irish Free State.

I have, &c.,

J. H. THOMAS.

31670

No. 82.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2.25 p.m., 3rd July, 1924.)

TELEGRAM.

1ST JULY. With reference to your Confidential despatch of the 28th June,§ my Ministers note with pleasure the acceptance of Irish Minister Plenipotentiary by American Government. Shall be glad if immediate request is made by cable for Agrément of Timothy Aloysius Smiddy. Despatch follows.—HEALY.

32857

No. 83.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11th July, 1924.)

(Secret.)

SIR,

Vice Regal Lodge, Dublin, 10th July, 1924.

I HAVE the honour to acknowledge receipt of your Secret despatch of the 25th June|| transmitting copies of a Confidential telegram sent to His Majesty's Ambassador at Washington on the 23rd June regarding the appointment of a Minister Plenipotentiary at Washington.

2. My Ministers desire me to transmit to you, for the information of His Majesty's Government, copy of the letter of instructions which has been sent to Professor Smiddy.

I have, &c.,

T. M. HEALY.

* No. 75. † No. 79. ‡ Enclosure in No. 80. § No. 80. || No. 76.

Enclosure in No. 83.

A CHARA,

Ministry of External Affairs, 25th June, 1924.

THE British Government has instructed His Majesty's Ambassador at Washington to present a formal request to the President of the United States to receive a Minister Plenipotentiary on behalf of the Irish Free State.

Should the American Government accede to this request, and agree to accept you in that capacity, Letters of Credence from His Majesty will be duly forwarded to you for presentation.

The Free State Minister will be the official channel of communication with the United States Government for matters exclusively affecting the interests of the Irish Free State.

Relations with His Majesty's Ambassador.

The Free State Minister shall not purport to deal with matters affecting the whole Commonwealth.

His Majesty's Ambassador shall be in no way responsible for action taken by the Free State Minister.

The Free State Minister shall not be in any way subject to His Majesty's Ambassador's control.

Instructions are being forwarded to His Majesty's Ambassador requesting him to afford his assistance and that of his staff to the Free State Minister.

In all matters affecting, or likely to affect, the other, or any other, States Members of the Commonwealth, the Irish Free State Minister shall consult with the Ambassador and inform him fully of the position.

If any doubt should arise as to whether any particular question exclusively concerned the Irish Free State the point should, if possible, be settled by consultation between the Irish Free State Minister and the British Ambassador. Failing settlement by such consultation it should be referred to the two Governments.

The Government desires that the frankest and most cordial relations should exist between the Free State Minister and His Majesty's Ambassador, and all steps should be taken to avoid any possible misunderstanding. For this reason, the instructions given above as to consultation should be interpreted in their widest sense. It may well happen that matters which in their initial stages appear to be of exclusively Irish interest may subsequently prove to be of concern to other parts of the Commonwealth. It would be well, therefore, to make it a general rule that it is better to inform the Ambassador of matters of apparently purely Irish concern rather than that he should not be consulted in a matter which might later have general interest.

Mise, le meas,

DESMOND FITZGERALD,

Minister for External Affairs.

Professor T. A. Smiddy,

1045. Munsey Buildings,
Washington, D.C.

32857

No. 84.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Irish Free State.

(Newfoundland.)

Dominions No. 329.)

[MY LORD.] [SIR,]

Downing Street, 22nd July, 1924.

WITH reference to my despatch Dominions No. 299 of the 1st July,* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's Ambassador at Washington

* 30618: not printed.

transmitting copies of a Note addressed by him to the United States Secretary of State requesting the concurrence of the United States Government in the appointment of an Irish Free State Minister at Washington.

I have, &c.,

J. H. THOMAS.

[32431]

Enclosure in No. 84.

(No. 1083.)

SIR,

British Embassy, Manchester, Mass., 27th June, 1924.

WITH reference to your telegram No. 183 of the 23rd instant and to my telegram No. 224 of the 26th instant, sent from Washington, I have the honour to transmit to you herewith copies of a Note which I left with Mr. Hughes on the 26th instant requesting the concurrence of the United States Government in the appointment of an Irish Free State Minister at Washington.

I have, &c.,

ESMÉ HOWARD.

The Rt. Hon. James Ramsay MacDonald, M.P.,

&c., &c., &c.

(No. 564.)

SIR,

British Embassy, Washington, D.C., 24th June, 1924.

UNDER instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform you that His Majesty's Government have come to the conclusion that it is desirable that the handling of matters at Washington exclusively relating to the Irish Free State should be confided to a Minister Plenipotentiary accredited to the United States Government. Such a Minister would be accredited by His Majesty The King to the President of the United States and he would be furnished with credentials which would enable him to take charge of all affairs relating only to the Irish Free State. He would be the ordinary channel of communication with the United States Government on these matters.

Matters which are of Imperial concern or which affect other Dominions in the Commonwealth in common with the Irish Free State will continue to be handled as heretofore by this Embassy.

The arrangements proposed by His Majesty's Government would not denote any departure from the principle of the diplomatic unity of the Empire. The Irish Minister would be at all times in the closest touch with His Majesty's Ambassador and any question which may arise as to whether a matter comes within the category of those to be handled by the Irish Minister or not would be settled by consultation between them. In matters falling within his sphere the Irish Minister would not be subject to the control of His Majesty's Ambassador nor would His Majesty's Ambassador be responsible for the Irish Minister's actions.

In communicating to you these proposals, which His Majesty's Government trust will promote the maintenance and development of cordial relations between the British Empire and the United States, I have been instructed to express the hope that the United States Government will concur in the appointment of an Irish Free State Minister at Washington on the footing I have indicated above. As regards questions such as the precedence to be attributed to the Irish Minister or any other points which the United States Government may desire to raise in connexion with the appointment, His Majesty's Government will await the views of the United States Government.

I have, &c.,

ESMÉ HOWARD.

The Honourable

Charles E. Hughes,

Secretary of State of the United States,

Washington, D.C.

32857

No. 85.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.	} Secret.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	

MY LORD,

Downing Street, 22nd July, 1924.

WITH reference to my Secret despatch of the 25th June,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a letter† of instructions addressed by the Irish Free State Minister for External Affairs to Professor T. A. Smiddy in connexion with his proposed appointment as Minister Plenipotentiary at Washington to represent the interests of the Irish Free State.

I have, &c.,
J. H. THOMAS.

32857

No. 86.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 22nd July, 1924.

WITH reference to the last paragraph of my Confidential despatch of the 20th June‡ and to subsequent correspondence, I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of Notes§ of conversations held at the Colonial Office on the 21st and 23rd June between the Irish Free State Minister for External Affairs and representatives of His Majesty's Government regarding the proposed appointment of a Minister Plenipotentiary at Washington to represent the interests of the Irish Free State.

I have, &c.,
J. H. THOMAS.

34205

No. 87.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.	} Dominions No. 349.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Irish Free State.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 28th July, 1924.

WITH reference to my despatch Dominions No. 329 of the 22nd July,|| I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's Chargé d'Affaires at Washington enclosing copies of a Note from the United States Secretary of State and of an extract from the *Washington Post* of the 27th June, regarding the proposed appointment of an Irish Free State Minister Plenipotentiary at Washington.

I have, &c.,
J. H. THOMAS.

* No. 76. † Enclosure in No. 83. ‡ No. 68. § Nos. 71 and 72. || No. 84.

Enclosure in No. 87.

(No. 1097.)

SIR,

British Embassy, Manchester, Mass., 1st July, 1924.

WITH reference to Sir Esmé Howard's telegram No. 224 of 26th June, relative to the appointment of an Irish Free State representative to Washington, I have the honour to transmit to you herewith copy of a Note from the Secretary of State, informing His Excellency that the United States Government will be pleased to receive a duly accredited Minister Plenipotentiary of the Irish Free State on the footing indicated. Copies of an extract from the *Washington Post* of 27th June, reporting the information communicated by the Secretary of State to the press in regard to the proposed appointment, are also enclosed.

I have, &c.,

H. W. BROOKS,
His Majesty's Chargé d'Affaires.

The Rt. Hon. James Ramsay MacDonald, M.P.,
&c., &c., &c.

EXCELLENCY,

Department of State, Washington, 28th June, 1924.

I HAVE the honour to acknowledge the receipt of your Note No. 564 of 24th June, 1924, by which, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, you inform me of the conclusion which His Majesty's Government has reached that it is desirable that the handling of matters at Washington exclusively relating to the Irish Free State should be confided to a Minister Plenipotentiary accredited by His Majesty The King with credentials which would enable him to take charge of all affairs relating only to the Irish Free State.

Responding to the hope which you express on behalf of your Government that the Government of the United States will concur in the appointment of an Irish Free State Minister at Washington in conformity with the proposals of His Majesty's Government as set out in your Note, I have the honour and the pleasure to inform you that the President, always happy to meet the wish of His Majesty's Government in every proper way, will be pleased to receive a duly accredited Minister Plenipotentiary of the Irish Free State, on the footing you indicate.

Accept, &c.,

CHARLES E. HUGHES

His Excellency

The Right Honourable

Sir Esmé Howard, G.C.M.G., K.C.B., C.V.O.,

The Ambassador of Great Britain.

EXTRACT FROM THE *Washington Post* OF 27TH JUNE, 1924.

SECRETARY HUGHES was advised by the British Ambassador yesterday that the British Government deemed it desirable that the handling of matters at Washington exclusively relating to the Irish Free State should be confided to the Irish Minister Plenipotentiary accredited to the United States. Questions which are of Imperial concern or which affect other Dominions in the Commonwealth in common with the Irish Free State will continue to be handled as heretofore by the Embassy.

Secretary Hughes replied that this Government was in cordial agreement with the purpose and would be glad to receive a Minister Plenipotentiary of the Irish Free State.

37765

No. 88.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 478.)

SIR,

Downing Street, 12th August, 1924.

WITH reference to my despatch Dominions No. 329 of the 22nd July* and connected correspondence regarding the special representation of Irish Free State interests at Washington, I have the honour to state, for the information of Your Excellency's Ministers, that the name of Professor T. A. Smiddy has been submitted to the King for His Majesty's approval of his appointment as Minister Plenipotentiary at Washington to represent the interests of the Irish Free State, and that the King has signified his approval of this appointment.

2. I enclose a copy of a telegram from His Majesty's Ambassador at Washington, stating that the appointment of Professor Smiddy will be entirely acceptable to the United States Government.

I have, &c.,
(for the Secretary of State).
HENRY LAMBERT.

Enclosure in No. 88.

TELEGRAM FROM SIR E. HOWARD (MANCHESTER, MASS) to FOREIGN OFFICE.

(Received 9.0 a.m., 10th August, 1924.)

(Unnumbered. (R.))

9TH AUGUST. Irish Minister to United States.

Acting Secretary of State after consulting President informed me to-day that appointment of Professor Smiddy as Minister Plenipotentiary at Washington to represent interests of Irish Free State will be entirely acceptable to United States Government.

38594

No. 89.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 91.]

(Confidential.)

SIR,

Downing Street, 21st August, 1924.

WITH reference to my despatch No. 478 of the 12th August† and to Your Excellency's telegram‡ of the same date, regarding the special representation of Irish Free State interests at Washington, I have the honour to transmit to you, for the consideration of your Ministers, a draft of the credentials with which it is proposed that Professor T. A. Smiddy should be furnished.

2. On learning from you that your Ministers concur in the terms of the draft, the credentials will be submitted to His Majesty the King for signature and, when signed, will be transmitted to His Majesty's Ambassador at Washington for delivery to Professor Smiddy.

I have, &c.,
(for the Secretary of State).
HENRY LAMBERT.

* No. 84. † No. 88. ‡ 38594: not printed; it asked that His Majesty might be moved to issue letters of credence to Professor Smiddy for immediate transmission to the United States.

450

Enclosure in No. 89.

GEORGE, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India, etc., etc., etc.

To the President of the United States of America,

Sendeth Greeting!

Our Good Friend,

We have judged it expedient to confer the rank of Minister Plenipotentiary upon Our Trusty and Well-beloved Timothy Aloysius Smiddy, Esquire, with the especial object of representing in the United States of America the interests of Our Irish Free State.

We request that You will give entire credence to all that Mr. Smiddy may represent to You in Our Name, especially when he shall assure You of Our esteem and regard, and of Our hearty wishes for the welfare and prosperity of the United States of America.

And so We recommend You to the protection of the Almighty.

Given at Our Court of Saint James the 1st day of September, in the Year of Our Lord One thousand Nine hundred and Twenty-four and in the Fifteenth Year of Our Reign.

Your Good Friend,

(Signed) GEORGE R.I.

38594

No. 90.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 21st August, 1924.

WITH reference to my Confidential despatch of to-day* as to the draft credentials for Professor Smiddy, I would invite reference to the Notes of Conversations† held at the Colonial Office on the 21st and 23rd June, copies of which were enclosed in my Secret despatch of the 22nd July,‡ as to the form of His Majesty's Title, which was raised by Mr. Fitzgerald at the Conversations and was subsequently discussed between the President of the Executive Council and the Prime Minister at Chequers.

I have, &c.,
(for the Secretary of State).
HENRY LAMBERT.

41746

No. 91.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd September, 1924.)

[Answered by No. 93.]

(Confidential.)

SIR,

Vice Regal Lodge, Dublin, 1st September, 1924.

I HAVE the honour to acknowledge receipt of your Confidential despatch of the 21st August,* transmitting draft credentials with which it is proposed that Professor Timothy A. Smiddy should be furnished.

2. My Ministers desire me to inform you that they concur in the terms of the draft, and request that the credentials may be despatched for delivery to Professor Smiddy with the least possible delay.

I have, &c.,
T. M. HEALY.

* No. 89. † Nos. 71 and 72. ‡ No. 86.

41228

No. 92.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.

Dominions No. 438.)

[MY LORD,] [SIR,]

Downing Street, 4th September, 1924.

WITH reference to my despatch Dominions No. 349 of the 28th of July,* [To Irish Free State: and to paragraph 2 of my despatch No. 478 of the 12th of August,†] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of correspondence between His Majesty's Ambassador at Washington and the United States Secretary of State relative to the appointment of Professor T. A. Smiddy as Minister Plenipotentiary of the Irish Free State at Washington.

I have, &c.,
(for the Secretary of State),
HENRY LAMBERT.

Enclosure 1 in No. 92.

(No. 719.)

SIR, British Embassy, Manchester, Mass., 8th August, 1924.
IN the Note which the Secretary of State was so good as to address to me on 28th June last, he informed me that the President would be pleased to receive a duly accredited Minister Plenipotentiary of the Irish Free State at Washington.

I now have the honour, under instructions from my Government, to inquire whether the appointment of Professor T. A. Smiddy (who has for some time been resident in Washington) in the above capacity would be agreeable to the United States Government.

I understand that it is the earnest desire of the Irish Free State Government to announce this appointment during a debate which is to take place in the Free State Parliament on 12th August, and, in these circumstances, I have the honour to ask your good offices, in order that I may receive the reply of the United States Government on this question at the earliest possible moment.

I have, &c.,
ESMÉ HOWARD.

The Honourable
Joseph C. Grew,
Acting Secretary of State of the United States,
Washington, D.C.

Enclosure 2 in No. 92.

Department of State, Washington, 9th August, 1924.

EXCELLENCY,

I HAVE the honour to acknowledge the receipt of your Note No. 719 of 8th August, 1924, in which, referring to previous correspondence regarding the reception by the Government of the United States of a duly accredited Minister Plenipotentiary of the Irish Free State at Washington, you inquire, under instructions from your Government, whether the appointment of Professor T. A. Smiddy in the above capacity would be agreeable to the Government of the United States.

* No. 87. † No. 88.

Having brought your inquiry to the attention of the President, it gives me pleasure to inform you in reply that Professor Smiddy will be entirely acceptable to him.

Accept, &c.,
JOSEPH C. GREW,
Acting Secretary of State.

His Excellency
The Right Honourable Sir Esmé Howard,
G.C.M.G., K.C.B., C.V.O.,
Ambassador of Great Britain.

43497

No. 93.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential (2).)

SIR,

Downing Street, 16th September, 1924.

I HAVE the honour to acknowledge the receipt of Your Excellency's Confidential despatch of the 1st of September,* and to transmit to you, for the information of your Ministers, the accompanying copy of a despatch to His Majesty's Ambassador at Washington forwarding the credentials in respect of the appointment of Professor T. A. Smiddy as Minister Plenipotentiary at Washington to represent the interests of the Irish Free State.

I have, &c.,
(for the Secretary of State),
ARNOLD.

Enclosure in No. 93.

(No. 1419.)

SIR,

Foreign Office, S.W.1, 10th September, 1924.

WITH reference to Your Excellency's despatch No. 1288 of the 13th ultimo, I transmit to you herewith the credentials† signed by the King in respect of the appointment of Professor T. A. Smiddy as Minister Plenipotentiary at Washington to represent the interests of the Irish Free State.

2. You should deliver these credentials to Professor Smiddy. A copy of the credentials is also enclosed herewith for Professor Smiddy's retention.

3. As soon as Professor Smiddy is prepared to present these credentials to the President of the United States you should inform me by telegraph in order that I may give publicity to the event in this country.

I am, &c.,
(for the Secretary of State),
ROBERT VANSITTART.

His Excellency

The Right Honourable
Sir Esmé Howard, G.C.M.G., K.C.B., C.V.O.,
&c., &c., &c.

* No. 91. † Not printed; they were in the form of the draft enclosed in No. 89, and were dated 1st September.

47100

No. 94.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.55 p.m., 4th October, 1924.)

TELEGRAM.

4TH OCTOBER. My Confidential despatch of 16th September.* His Majesty's Ambassador at Washington telegraphs that Professor Smiddy proposes to present his credentials on Tuesday, 7th October, at 2.30 p.m. Appointment will be published in an early issue of the *London Gazette*.—THOMAS.

47100

No. 95.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential (2).)

SIR,

Downing Street, 6th October, 1924.

In confirmation of my telegram of the 4th October,† I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a telegram from His Majesty's Ambassador at Washington, relative to the appointment of Professor Smiddy as Minister Plenipotentiary at Washington, for the especial purpose of representing the Irish Free State.

2. I shall be glad if you will inform your Ministers that it is proposed to publish in the *London Gazette*, dated Friday, 10th October, an announcement in the following form:—

"The King has been graciously pleased to approve—

Timothy Aloysius Smiddy, Esquire, to be His Majesty's Minister Plenipotentiary at Washington, with the especial object of representing in the United States of America the interests of the Irish Free State."

I have, &c.,

J. H. THOMAS.

Enclosure in No. 95.

TELEGRAM FROM SIR E. HOWARD (WASHINGTON) TO FOREIGN OFFICE.

(Received 5.5 p.m., 3rd October, 1924.)

No. 294. 3rd October. Your telegram No. 285.

Professor Smiddy informs me that presentation of his credentials takes place on Tuesday next, 7th October, at 2.30 p.m.

46645

No. 96.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. Confidential.)

(Commonwealth of Australia. Confidential.)

(New Zealand. Confidential.)

(Union of South Africa. Confidential.)

(Newfoundland. Confidential (2).)

[MY LORD,] [SIR,]

Downing Street, 14th October, 1924.

WITH reference to my despatch Dominions No. 438 of the 4th of September,‡ I have the honour to transmit to Your Excellency, for the information of your

* No. 93. † No. 94. ‡ No. 92.

Ministers, the accompanying copy of a despatch* to His Majesty's Ambassador at Washington, forwarding the credentials in respect of the appointment of Professor T. A. Smiddy as Minister Plenipotentiary at Washington to represent the interests of the Irish Free State.

2. A copy of the credentials† is also enclosed.

I have, &c.,

J. H. THOMAS.

46645

No. 97.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 591.)

SIR,

Downing Street, 14th October, 1924.

WITH reference to previous correspondence in regard to the appointment of Professor T. A. Smiddy as Minister Plenipotentiary at Washington, I have the honour to transmit to Your Excellency, for the information of your Ministers, an extract from the *London Gazette*, dated the 10th October, 1924, announcing this appointment.

I have, &c.,

J. H. THOMAS.

Enclosure in No. 97.

EXTRACT FROM *The London Gazette*, 10TH OCTOBER, 1924.

Foreign Office, 7th October, 1924.

THE King has been graciously pleased to appoint:—

Timothy Aloysius Smiddy, Esquire, to be His Majesty's Minister Plenipotentiary at Washington, with the especial object of representing in the United States of America the interests of the Irish Free State.

48729

No. 98.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. No. 456.)

(Commonwealth of Australia. No. 384.)

(New Zealand. No. 197.)

(Union of South Africa. No. 320.)

(Newfoundland. No. 158.)

[MY LORD,] [SIR,]

Downing Street, 23rd October, 1924.

WITH reference to my despatch Dominions No. 438 of the 4th of September,‡ I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a notice§ which was published in the *London Gazette* of the 10th of October announcing the appointment of Professor T. A. Smiddy as Minister Plenipotentiary at Washington to represent the interests of the Irish Free State.

2. Copies of the notice have also been sent to the Officers Administering the Governments of the other self-governing Dominions.

I have, &c.,

J. H. THOMAS.

* Enclosure in No. 93. † Not printed; they were in the form of the draft enclosed in No. 89 and were dated 1st September. ‡ No. 92. § Enclosure in No. 97.

(c) Canada: Representation at Washington.

29819

No. 99.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 2.5 p.m., 2nd July, 1925.)

TELEGRAM.

[Answered by No. 100.]

PRIVATE and Personal. I am being asked in House of Commons 6th July whether I can make any statement regarding the proposed appointment of a Canadian Minister at Washington, and propose to reply that I have seen the Press Report of your Prime Minister's statement in the Canadian House of Commons on 22nd June but that no official communication on the subject has yet been received by His Majesty's Government from the Canadian Government. Please let your Prime Minister know. Experience here in the case of the appointment of a Minister for the Irish Free State at Washington last year was that considerable time was needed for preparation of necessary communications to the United States Government and for completion of formalities on this side. (See Thomas's despatch Confidential (2) of 25th June, 1924,* and connected correspondence.) We should be grateful for as long notice as possible of any arrangements which your Prime Minister may have in mind.—AMERY.

30322

No. 100.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.15 p.m., 3rd July, 1925.)

TELEGRAM.

3RD JULY. Private and Personal. Your Private and Personal telegram of 2nd July.† My Prime Minister's views are as follows:—

Begins: Whilst the Canadian Government has intimated the intention of appointing a Minister to Washington no steps will be taken without communicating in the first instance with the British Government in reference thereto. *Ends.*

—BYNG.

D. 10162

No. 101.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 7.15 p.m., 24th September, 1926.)

TELEGRAM.

[Answered by No. 102.]

24TH SEPTEMBER. Private and Personal. I have noticed several statements in the Press recently to the effect that in connexion with change of Government appointment of Vincent Massey as Canadian representative at Washington is contemplated in the near future. In case reports have any foundation I think that you should know that we are assuming that Mr. Mackenzie King's undertaking mentioned

* No. 75. † No. 99.

in your telegram 3rd July, 1925, Private and Personal,* that no steps for appointment of Canadian Minister at Washington would be taken without prior communication with His Majesty's Government still holds good. For reason mentioned in my telegram 2nd July, 1925, Private and Personal,† we should be grateful for as long notice as possible of any arrangements which your Prime Minister might have in mind.—AMERY.

D. 10175

No. 102.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.30 p.m., 25th September, 1926.)

TELEGRAM.

25TH SEPTEMBER. Private and Personal. Your Private and Personal telegram of 24th September.‡ I saw Mackenzie King, new Prime Minister, this morning. He informs me that the question of a representative at Washington will not be settled until after his arrival at the Imperial Conference.—BYNG.

Note.—The matter was discussed by Mr. Mackenzie King with the Secretary of State for Foreign Affairs during the Imperial Conference and, as a result, it was ascertained from the United States Government that Mr. Vincent Massey's appointment would be acceptable to them. Mr. Mackenzie King expressed his concurrence in the addressing to the United States Government of a formal note similar to that relating to the appointment of the Irish Free State Minister at Washington, with certain amendments (see enclosure in No. 104 for note as presented).

D. 12596/26

No. 103.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 27th November, 1926.)

(No. 542.)

SIR,

Government House, Ottawa, 16th November, 1926.

I HAVE the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada recommending that His Majesty the King may be humbly moved to appoint the Honourable Vincent Massey as Envoy Extraordinary and Minister Plenipotentiary at Washington with the special object of representing in the United States of America the interests of the Dominion of Canada and to request that the necessary letter of credence may be issued.

I have, &c.,
WILLINGDON.

Enclosure in No. 103.

PRIVY COUNCIL, CANADA.

Certified to be a true copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 10th November, 1926.

P.C. 1780.

THE Committee of the Privy Council have had before them a memorandum from the Honourable James A. Robb, Acting Prime Minister, submitting that following full consideration by His Majesty's Privy Council for Canada and after consultation between the Prime Minister and Secretary of State for External

* No. 100. † No. 99. ‡ No. 101.

Affairs of Canada and the Prime Minister, the Secretary of State for Foreign Affairs, and the Secretary of State for Dominion Affairs of Great Britain, it has been considered desirable in view of the increasing range, importance and urgency of questions requiring adjustment between Canada and the United States, that the Dominion of Canada should be represented in Washington by an Envoy Extraordinary and Minister Plenipotentiary appointed by His Majesty on the advice of His Canadian Ministers to have charge of Canadian affairs, serving as the ordinary channel of communication between the Canadian and United States Governments and acting upon instructions from the Secretary of State for External Affairs of Canada and reporting to him.

The Acting Prime Minister further submits that it is not in contemplation to adopt the provision of the Agreement effected in 1920 between the Government of Great Britain and the Government of Canada whereby the Canadian Minister was to be a Member of the British Embassy and to have charge, in the absence of the Ambassador, of the Embassy and of the representation of Imperial as well as of Canadian interests.

The Acting Prime Minister accordingly recommends that His Majesty the King be humbly moved to appoint the Honourable Vincent Massey as Envoy Extraordinary and Minister Plenipotentiary at Washington with the special object of representing in the United States of America the interests of the Dominion of Canada, and to issue the necessary letter of credence.

The Committee concur in the foregoing and submit the same for Your Excellency's approval.

E. J. LEMAIRE,
Clerk of the Privy Council.

D. 13387/26

No. 104.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Commonwealth of Australia. No. 411.)
(New Zealand. No. 265.)
(Union of South Africa. No. 420.)
(Irish Free State. No. 419.)
(Newfoundland. No. 172.)

[MY LORD,] [SIR,] Downing Street, 31st December, 1926.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a despatch* from the Governor-General of Canada enclosing a copy of an Approved Minute of the Privy Council for Canada recommending that His Majesty the King may be moved to appoint the Honourable Vincent Massey as Envoy Extraordinary and Minister Plenipotentiary at Washington with the special object of representing in the United States of America the interests of the Dominion of Canada.

2. I enclose also a copy of a Note addressed by His Majesty's Representative at Washington to the United States' Secretary of State, requesting the concurrence of the United States Government in the appointment of a Canadian Minister at Washington, together with a copy of Mr. Kellogg's reply, intimating that such an appointment is entirely acceptable to the United States Government.

3. The King has accordingly been graciously pleased to approve the appointment of Mr. Massey as His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington to represent the interests of the Dominion of Canada.

4. A similar despatch has been addressed to the Governors-General of [New Zealand, the Union of South Africa and the Irish Free State and the Governor of Newfoundland.] [the Commonwealth of Australia, the Union of South Africa, and the Irish Free State and the Governor of Newfoundland.] [the Commonwealth of Australia, New Zealand, and the Irish Free State and the Governor of Newfoundland.] [the Commonwealth of Australia, New Zealand, and the Union of South Africa and the Governor of Newfoundland.] [the Commonwealth of Australia, New Zealand, the Union of South Africa and the Irish Free State.]

I have, &c.,

L. S. AMERY.

Enclosure 1 in No. 104.

(No. 723.)

British Embassy, Washington, D.C.

SIR,

19th November, 1926.

UNDER instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform you that His Majesty's Government have come to the conclusion that it is desirable that the handling of matters at Washington relating to Canada should be confided to an Envoy Extraordinary and Minister Plenipotentiary accredited to the United States Government. Such a Minister would be accredited by His Majesty the King to the President of the United States and he would be furnished with credentials which would enable him to take charge of all affairs relating to Canada. He would be the ordinary channel of communication with the United States Government on these matters.

Matters which are of Imperial concern or which affect other Dominions in the Commonwealth in common with Canada will continue to be handled as heretofore by this Embassy.

The arrangements proposed by His Majesty's Government would not denote any departure from the principle of the diplomatic unity of the Empire. The Canadian Minister would be at all times in the closest touch with His Majesty's Ambassador and any question which may arise as to whether a matter comes within the category of those to be handled by the Canadian Minister or not would be settled by consultation between them. The Canadian Minister being responsible to the Canadian Government would not be subject to the control of His Majesty's Ambassador nor would His Majesty's Ambassador be responsible for the Canadian Minister's actions.

In communicating to you these proposals, which His Majesty's Government trust will promote the maintenance and development of cordial relations between the British Empire and the United States, I have been instructed to express the hope that the United States Government will concur in the appointment of a Canadian Minister at Washington on the footing I have indicated above. As regards questions such as the precedence to be attributed to the Canadian Minister or any other points which the United States Government may desire to raise in connexion with the appointment, His Majesty's Government will await the views of the United States Government.

I have, &c.,

H. G. CHILTON.

The Honourable

Frank B. Kellogg,

Secretary of State of the United States,
Washington, D.C.

Enclosure 2 in No. 104.

Department of State, Washington.

SIR,

20th November, 1926.

I HAVE the honour to acknowledge the receipt of your note No. 723 of 19th November, 1926, in which, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, you advise me that His Majesty's Government have come to the conclusion that it is desirable that the handling of matters at Washington relating to Canada should be confided to an Envoy Extraordinary and Minister Plenipotentiary to be accredited by His Majesty the King to the President of the United States, and express the hope that the Government of the United States will concur in the appointment of a Canadian Minister at Washington on the footing indicated in your note.

In reply I take pleasure in saying that the appointment by His Majesty the King of an Envoy Extraordinary and Minister Plenipotentiary, who will be furnished with credentials which would enable him to take charge of all affairs relating to Canada, and who will be the ordinary channel of communication with the Government of the United States on these matters, is entirely acceptable to the Government of the United States, and that it will be agreeable to the President to accord him formal recognition at the convenience of His Majesty the King and the Government of Canada.

Note is taken of the arrangements outlined in your note under which the appointment would be made, as well as of your statement that as regards questions such as precedence to be attributed to the Minister or any other points which the Government of the United States may desire to raise in connexion with the appointment, His Majesty's Government will await the views of the Government of the United States.

Accept, &c.,
FRANK B. KELLOGG.

Mr. Henry Chilton,
Envoy Extraordinary and Minister Plenipotentiary,
Chargé d'Affaires *ad interim* of Great Britain.

Note.—Copies of this correspondence were forwarded by H.M.'s Chargé d'Affaires direct to the Governor-General of Canada.

(d) United States : Representation at Ottawa and Dublin.

D. 12912

No. 105.
CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.10 p.m., 8th December, 1926.)

TELEGRAM.

[Answered by No. 106.]

8TH DECEMBER. Private and Personal. Following for your Prime Minister on his arrival:—

Begins: United States Ambassador has verbally informed Foreign Office on instructions of his Government of intention of President of United States to appoint United States Ministers at Ottawa and Dublin in view of appointment of Ministers at Washington to represent interests of Canada and the Irish Free State, and has inquired whether appointments would be agreeable.

As this is a new departure I thought you might be glad to hear of it privately in the first instance in case you may have any views to express before proposal is put forward officially.

This is a development which was not specifically considered by the Imperial Conference and I think therefore that when official communication is made to Ottawa and Dublin proposal should be communicated simultaneously to other Dominions. I am writing in similar sense to Cosgrave. Should appreciate early reply. *Ends.*

—AMERY.

D. 13117

No. 106.
CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.10 p.m., 9th December, 1926.)

TELEGRAM.

9TH DECEMBER. Following from my Prime Minister:—

Begins: Private and Personal. Appointment by the President of the United States of United States Minister, Ottawa, would be entirely agreeable to the Canadian Government and would in our opinion be regarded as most appropriate in view of the appointment of the Canadian Minister at Washington. *Ends.*

—WILLINGDON.

D. 12912

No. 107.

IRISH FREE STATE.

MR. L. S. AMERY (DOMINIONS OFFICE) to MR. W. T. COSGRAVE (PRESIDENT OF THE COUNCIL).

[Answered by No. 108.]

(Private and Personal.)

DEAR MR. COSGRAVE,

Downing Street, 9th December, 1926.

THE United States Ambassador has verbally informed the Foreign Office, on the instructions of his Government, of the intention of the President of the United States to appoint United States Ministers at Ottawa and Dublin, in view of the appointment of Ministers at Washington to represent the interests of Canada and the Irish Free State, and has inquired whether such appointments would be agreeable.

As this is a new departure, I thought you might be glad to hear of it privately in the first instance, in case you may have any views to express before the proposal is put forward officially.

This is a development which was not specifically considered by the Imperial Conference, and I think therefore that when an official communication is made to Ottawa and Dublin the proposal should be communicated simultaneously to the other Dominions.

I am telegraphing in a similar sense to Mr. Mackenzie King, and I should appreciate an early reply to this letter.

Yours sincerely,
L. S. AMERY.

D. 13274

No. 108.

IRISH FREE STATE.

MR. W. T. COSGRAVE (PRESIDENT OF THE COUNCIL) to MR. L. S. AMERY (DOMINIONS OFFICE).

(Private and Personal.)

DEAR MR. AMERY,

Dublin, 13th December, 1926.

I THANK you for your letter of the 9th instant* and much appreciate your promptitude in letting me know that the United States Ambassador had verbally informed the Foreign Office of the intention of the President of the United States to appoint United States Ministers at Ottawa and Dublin.

Beyond saying that the appointment in Dublin will be most agreeable to my colleagues and myself I have no views to express. We regard the appointment as the natural sequel to the appointment of our Minister at Washington.

I quite agree that the information should, in courtesy, be communicated to the other Dominions not directly concerned as soon as we hear officially on the matter.

Yours sincerely,
LIAM T. MACCOSGAIR.

D. 13500

No. 109.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.30 p.m., 24th December 1926.)

TELEGRAM.

[Answered by No. 111.]

CONFIDENTIAL. 24th December. United States Ambassador has verbally intimated to Foreign Office, on instructions of his Government, intention of President of United States to appoint United States Ministers at Ottawa and Dublin in

view of appointments of Ministers at Washington to represent the interests of Canada and the Irish Free State and has inquired whether appointments would be agreeable and if so to whom credentials should be addressed and to whom presented.

Should be grateful for early expression of your Ministers' views as to proposed appointment at Ottawa. As regards credentials, we suggest that the most appropriate procedure would be that they should be addressed to His Majesty the King and presented to the Governor-General of Canada as His Majesty's representative.

Similar message sent to Dublin and this telegram is being repeated to other Dominions.—AMERY.

D. 13500

No. 110.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 1.30 p.m., 24th December, 1926.)

TELEGRAM.

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

24TH DECEMBER. Confidential. Following telegram is being sent to-day to Governor-General of Canada:—

Begins: See No. 109. Ends.

—AMERY.

D. 13727

No. 111.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.40 p.m., 28th December, 1926.)

TELEGRAM.

28TH DECEMBER. Confidential. Your Confidential telegram of 24th December* regarding proposed appointment of United States Minister at Ottawa. My Ministers have learned with much satisfaction of the intention of the President of the United States to appoint United States Minister at Ottawa. Such an appointment would be entirely agreeable. As to credentials my Ministers concur in the suggestion that the most appropriate procedure would be that they should be addressed to His Majesty the King and presented to the Governor-General of Canada as His Majesty's representative.—WILLINGDON.

D. 13500

No. 112.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 28th December, 1926.

I HAVE the honour to state, for the information of Your Excellency's Ministers, that the United States Ambassador has verbally intimated to the Foreign Office, on the instructions of his Government, the intention of the President of the United States to appoint United States Ministers at Dublin and Ottawa, in view of the

* No. 109.

appointments of Ministers at Washington to represent the interests of the Irish Free State and Canada, and has inquired whether the appointments would be agreeable and, if so, to whom the credentials should be addressed and to whom presented.

2. I should be grateful for an early expression of your Ministers' views as to the proposed appointment at Dublin. As regards the credentials, it is suggested that the most appropriate procedure would be that they should be addressed to His Majesty the King and presented to the Governor-General of the Irish Free State as His Majesty's representative.

3. A message in similar terms is being sent by telegraph to Ottawa, and the message is being repeated to the Governments of the other Dominions.

I have, &c.,

L. S. AMERY.

IV. APPOINTMENT OF AN AUSTRALIAN LIAISON OFFICER IN LONDON

(Section VI of Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926, page 27 of Cmd. 2768)

54369

No. 113.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1 p.m., 20th November, 1924.)

TELEGRAM.

[Answered by No. 114.]

19TH NOVEMBER. Following for Prime Minister from my Prime Minister:—

Begins: Following on conversation(s) which I had when in London with Mr. Macdonald and on more recent discussion(s) with Mr. Leeper of the British Foreign Office whose services were kindly placed at the disposal of the Commonwealth by the British Government, Mr. R. G. Casey has been appointed by the Commonwealth Government to act as Liaison Officer of the Commonwealth attached to the Foreign Office Staff.

Mr. Casey's duties will be to endeavour to supervise and accelerate the supply of information between the Foreign Office and the Commonwealth Government with a view to keeping the latter in closer touch with information which is normally available. For this purpose it is desirable that he be located in the Foreign Office and that he be given access to all papers relating to foreign affairs in which Australia may be directly or indirectly interested.

Mr. Casey will be in constant touch with the Prime Minister's Department and thus will be enabled to advise the officers of the Foreign Office from time to time what documents are likely to interest my Government. It is not proposed to interfere with the original channel of communication with the Foreign Office which is working quite satisfactorily and which there is no necessity to disturb. The Liaison Officer's work will be primarily to assist your officers in wider selection of material and to enable this Government to be kept fully informed with regard to matters in which it is interested.

It would be esteemed a favour if you would be so good as to render what assistance is possible in getting this scheme into smooth working order.

Ends.

—GOVERNOR-GENERAL.

54369

No. 114.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.55 p.m., 1st January, 1925.)

TELEGRAM.

FOLLOWING from Prime Minister for your Prime Minister:—

Begins: Your message of 19th November* as to appointment of R. G. Casey as Liaison Officer on Foreign Affairs. We have now been able to make arrangements to enable Casey to fulfil functions described in your message and will endeavour in every way to help him make a success of his mission.

I need not say that we shall watch with greatest interest this development in machinery for rendering more effective system of consultation on all matters of foreign affairs to which, as you know, we attach very great importance. Baldwin. *Ends.*

—AMERY.

54369

No. 115.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.55 p.m., 1st January, 1925.)

TELEGRAM.

CONFIDENTIAL. Following from Prime Minister for your Prime Minister:—

Begins: My message of to-day.† Casey. Following are details of arrangements made.

(1) On my instructions Casey has been given a room at offices of Committee of Imperial Defence, 2, Whitehall Gardens, where he has direct access to Hankey who has authority to show him papers circulated to Committee of Imperial Defence and its sub-Committees as well as his own copy of Foreign Office papers circulated to Cabinet.

(2) Secretary of State for Colonies has arranged for Casey to see copies of all telegrams and despatches to and from Commonwealth Government and Casey is in close touch with appropriate members of Colonial Office Staff.

(3) Secretary of State for Foreign Affairs has given directions that Casey should have access to all heads of Departments in Foreign Office or to any other members of Foreign Office staff as may be convenient. Baldwin. *Ends.*

—AMERY.

V. ESTABLISHMENT OF SECRETARYSHIP OF STATE FOR DOMINION AFFAIRS

26476

No. 116.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 7.20 p.m., 10th June, 1925.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Irish Free State.)

(Newfoundland.)

10TH JUNE. In answer to a private question to be put in the House of Commons to-morrow the Prime Minister will make the following reply:—

* No. 113.

† No. 114.

457

Begins: I have come to the conclusion that the existing organization of the Colonial Office is no longer in correspondence with the actual constitutional position in the Empire and is inadequate to the extent and variety of the work thrown upon it. It fails, more particularly, to give sufficiently clear recognition to the profound difference between the work of communication and consultation with the self-governing partner nations of the British Commonwealth and the administrative work of controlling and developing the Colonies and Protectorates for whose welfare this House is directly responsible. The following changes are therefore proposed:—

1. The conduct of affairs with the Dominions will be under a separate new Secretaryship of State for Dominion Affairs, with its own Parliamentary Under-Secretary of State, who will also act as Chairman of the Oversea Settlement Committee, and Permanent Under-Secretary of State.

2. For reasons of practical convenience the new Secretaryship of State will continue to be vested in the same person as the holder of the Secretaryship of State for the Colonies, and the Department of Dominion Affairs will continue to be housed in the Colonial Office. *Ends.*

Please inform your [Prime Minister] [President of Executive Council].—AMERY.

26920

No. 117.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.30 a.m., 17th June, 1925.)

TELEGRAM.

My telegram of 10th June.* Prime Minister is being asked in House of Commons to-day whether re-organization of Colonial Office involves discontinuance of arrangements for direct communications between Prime Ministers. Prime Minister is replying that answer is in the negative adding that circumstances in which direct communications take place are clearly set out in Resolution of Imperial War Cabinet, 1918, which was confirmed at Conference of 1921.

Please inform your Prime Minister.—AMERY.

31214

No. 118.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 5.0 p.m., 9th July, 1925.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Irish Free State.)

(Newfoundland.)

9TH JULY. Please inform your Ministers that His Majesty the King was pleased to entrust to my care to-day seals of Department of Dominion Affairs.—AMERY.

* No. 116.

HOUSE OF COMMONS.

EXTRACT FROM THE DEBATES OF 27TH JULY, 1925.

THE SECRETARY OF STATE FOR THE COLONIES (Mr. Amery): I ask the indulgence of the Committee if on this, the last occasion when the Estimates are submitted in their present undivided form, I am compelled to make a somewhat longer statement than I hope will be necessary in the future. I think the Committee will wish, to begin with, for some explanation of the reasons which have led to the creation of a new Secretaryship of State and Office for Dominion Affairs separate from the Colonial Secretaryship and the Colonial Office, and of the exact nature and extent of the administrative changes involved. The step we have taken is a recognition justified, not only by the general sentiment of the Dominions, but also by urgent practical necessities of the profound transformation which the structure of the Empire has undergone in the last generation.

Of all the changes which the political complexion of the world has witnessed in our time, none has been more remarkable than the emergence of the younger nations of the British Commonwealth. The only event of comparable importance in its bearing on the future was the birth of the United States a century and a half ago. But whereas that great transaction took place in an atmosphere of strife, the scars of which have taken long to heal, and involved a complete separation, the birth of these new nations has come by a peaceful process of evolution based on mutual understanding and sympathy and on a growing intimacy of co-operation in maintaining the unity and strength of the whole Imperial fabric. That is a fact which only enhances the significance of the change, but which also has largely tended to conceal it from our own observation as well as from that of the outside world. Concurrently with this development there has been another, little less remarkable, in the growth of a new colonial Empire, mainly in South Africa, which, in view of its extent and resources, bids fair in course of time to vie with our Indian Empire in its economic and ultimately, perhaps, even in its political importance.

These developments have inevitably had their reaction upon our administrative machinery here at home. The work of the Colonial Office has had to develop progressively on two entirely different lines. There has been, on one side, the work of communication and consultation between the British Government and its partner Governments over the whole field of their mutual relations and of the common interests of the Empire as a whole. On the other hand, there has been the work of administration and development in that great Colonial area for which this House is directly responsible.

These two spheres of work differ, not merely in degree, but in kind. The one is political, consultative, and, if I may say so, quasi-diplomatic; the other is administrative and directive. They call for wholly different methods and qualities of mind. It is the consciousness of this difference, and the feeling that it was not always adequately recognized, which, much more than any mere sentimental objection to the word "Colonial," has always created a certain amount of resentment in the Dominions against the idea that their relations with the Mother Country should be dealt with by the Colonial Office. The demand for more definite differentiation was raised at the Imperial Conference of 1907 by Mr. Deakin, the then Prime Minister of Australia, and his eloquent and forcible appeal for a better arrangement of our work in dealing with the Dominions was at any rate partially met by Lord Elgin by the establishment within the Colonial Office of a separate Dominions Department under its Assistant Under-Secretary. I cannot say that this arrangement met the case in the view of the Dominions or in actual fact. The issue was raised again at the next Imperial Conference in 1911 by Sir Joseph Ward, the then Prime Minister of New Zealand, who, on behalf of his Dominion, brought forward a specific resolution which was endorsed by General Botha on behalf of South Africa urging—

"That it is essential that the Department of the Dominions be separated from that of the Crown Colonies, and that each Department be placed under a separate Permanent Under-Secretary."

This proposal was rejected, and the matter has remained there ever since, not so much because the position has been regarded as satisfactory, as because the Dominions have felt it hardly consistent with the principles on which inter-Imperial

relations are based to go beyond a certain point in expressing their views as to the internal administration and organization of another part of the Empire. Meanwhile the constitutional case for separation has been reinforced by very practical considerations. The work of the Colonial Office has increased beyond all measure in recent years. On the Colonial side the standard of what is expected of our administration, not only in regard to ordinary good government and the promotion of trade, but in regard to transportation, the promotion of native agriculture and education, has risen out of all recognition. It is rising, and rightly rising, all the time, and all the time demands more attention and more consideration from headquarters. The addition of Tanganyika, of Palestine, and of Iraq to this side of the work of the Colonial Office has certainly not diminished the strain on the Department. On the Dominion side, the work of *liaison*, of keeping the Dominion Governments posted on the progress of foreign and Imperial affairs has been continually growing in volume and in importance. A new Dominion, the Irish Free State, with problems all its own, and not even historically connected like the others with our old Colonial Office, has been added to the work of the Department in the last two years. Last, and certainly not least, a whole additional Department, requiring not only a staff of its own but the constant supervision of a responsible Ministerial head, has come into being in connexion with Empire settlement. The development of that most important work has, I am sorry to say, suffered seriously owing to the fact that it has never been able to enlist more than the merest fraction of time of some overworked Junior Minister. My Right Hon. Friend opposite knows well how heavy, how unfairly heavy, has been the burden upon those at the head of the Colonial Office upon whom all these various aspects of the work has converged, and who have been responsible for the duty of advising and assisting the Secretary of State.

Under these circumstances, I felt it my duty to urge upon my colleagues the immediate necessity of a change which, personally, I have for the last twenty years regarded as desirable in principle. The change approved by the Cabinet is, constitutionally, as far reaching as any advocate of the recognition of the new status of the Dominions could desire. The Secretaryship of State for Dominion Affairs and the Dominions Office will be constitutionally separate entities from the Colonial Secretaryship and Colonial Office, and will as such, in future submit separate Estimates for the approval of Parliament. I think the House, when that time comes, will realize the great advantage of no longer mixing up in a single debate the great problems of our inter-Imperial relations with the no less but entirely different problem of administration in our Colonial dependencies. It is true that for reasons of practical convenience the new Dominions Office will for the present continue to be housed in the Colonial Office, and that the two Secretaryships of State will be combined in the same individual. But there is nothing to preclude the appointment of two different individuals for the two Secretaryships of State, if and when circumstances should warrant such a step, or the combination of the Secretaryship of State for the Dominions with some office other than the Colonial Secretaryship.

It has often been suggested in this connexion that the importance of consultation with the Dominions ought to be recognized by assigning the work to the Prime Minister. The suggestion is at first sight an attractive one, but I doubt if any one who realises the immense burden thrown upon a Prime Minister under modern conditions and the necessity for him keeping his hands free from Departmental work in order to be able to supervise all the Departments, or in a time of external or domestic crisis to be free to concentrate his whole endeavours upon a particular issue, would suggest that such an arrangement would secure either as full or as continuous an attention to inter-Imperial affairs as if they were made the specific responsibility of one of the Prime Minister's Cabinet colleagues. What is, I think essential is that the Prime Minister should regard Dominion affairs as a Department over which his supervision should be peculiarly intimate and constant. That object is, I think, secured by the practice which has developed since the War, and which will, of course, remain unaffected by the present changes, of direct communication between the Prime Ministers, a practice which does insure that the subject concerned is not merely dealt with Departmentally but does come directly under the Prime Minister's personal cognisance.

There is another objection, I think, to confining the work of dealing with inter-Imperial co-operation to the Prime Minister. That work—and I am sure my Right Hon. Friend opposite will agree with me in this—is very largely of a personal character. It requires a great deal of time, not only for full discussion with Dominion

representatives and public men who come over here, but also, I venture to suggest, for visits to the Dominions themselves. It is hardly consistent, after all, with the much-talked-of equality of status between the Governments of the Empire, if all the travelling for purposes of personal consultation has to be done by Dominion statesmen, and if there is to be no reciprocity on our side. I know that my right hon. Friend opposite, who gave me such a good lead by his visits to South Africa last year, will not quarrel with me in that statement.

As regards the actual method of inaugurating the new system, we are advised that the creation of a new Secretaryship of State requires no legislation, but follows directly upon His Majesty's pleasure in conferring seals of office. There is, however, a small addition of expenditure involved in respect of the appointment of a new Under-Secretary of State and of a permanent Under-Secretary of State for Dominion Affairs, and the token Supplementary Estimate for this is now in the hands of Members. I might, perhaps, add that these changes, though strictly speaking a purely internal matter for this country, were, of course, informally discussed with the Dominion Governments, and have been welcomed by them as well as by public opinion in the Dominions generally as evidence of our desire both to recognize the constitutional status of the Dominions and to improve the machinery of inter-Imperial consultation.

May I now, with apologies to the Committee for having kept them so long with this preliminary explanation, deal briefly with some of the actual subjects which will in future appear on the Dominions Estimates. One of the main and increasingly important problems before us is that of reconciling the equality and autonomy of the partner nations of the Empire and their right to an adequate voice in the common external policy of the Empire, as laid down in the well-known Constitutional Relations Resolution of the Imperial War Conference of 1917, with the effective and prompt conduct of foreign affairs. The problem is, I believe, essentially a practical one, calling, not for the devising of new constitutional machinery, but for the development of working methods to enable the existing constitutional system to work smoothly and continuously. It already works with complete efficacy whenever it is possible for the responsible representatives of the different Governments to meet for personal consultation round the same table. No one who has had the privilege, as I have had, of participating in any of the series of Imperial War Cabinets or Imperial Conferences since 1917, or of the meetings of the British Empire Delegations, whether at Paris, at Washington, or at Geneva, can really regard as insoluble that combination of constitutional autonomy with unity in policy and action which has invariably characterised those gatherings.

The real difficulty lies in the intervals when the principals cannot confer together in person. Our predecessors were confronted with it in relation to the conduct of foreign negotiations and also in relation to the problem of securing continuity in Imperial policy in spite of the changes of Government which are bound to occur in different parts of the Empire in the intervals between the Imperial Conferences, and which in their particular case made them feel unable to give effect to certain of the Resolutions of the Conferences of 1923. The late Prime Minister suggested to the Dominions last summer the holding, not of a full-dress Constitutional Conference, but of something in the nature of a sub-conference or an inquiry by expert representatives in order to study the problem, and himself put forward for consideration certain suggestions, more particularly one for the representation of opposition parties at Imperial Conferences. This proposal for an inquiry was, after very considerable hesitation on the part of some of the Dominion Governments, eventually accepted in principle, subject to finding a date which would suit all the Governments concerned; and this it was not possible to find before the last Dissolution. The conclusion to which we came in view of the correspondence, which had recently been published as a Parliamentary Paper, Command Paper 2301, and which will, I think, well repay study by anyone interested in Imperial affairs, was that on the whole the problem would be more usefully explored a stage further by actual day-by-day working, postponing the kind of inquiry proposed to the accumulation of a further volume of practical experience.

Well, of such experience we have had a good deal during the last eight months. In connection with the Geneva Protocol and still more in connexion with the problem of how to establish security and the atmosphere of peace on those frontiers of Western Europe which are of such immediate interest to ourselves, we were so anxious to secure a really united and common Empire policy that we endeavoured to ascertain whether it might be at all possible to hold a special Imperial Conference

last March. We were not surprised, however, to find that such a Conference could not be conveniently arranged, and so we were, perforce, thrown back on to making a much fuller and freer use of the method of telegraphic communication and consultation than we had ever attempted before. How close and regular that method of consultation is to-day may be grasped by the Committee if I tell them that over and above the mass of information which is sent to the Dominions by every mail over 120 telegrams, many of them of great length, have been sent to the Dominions in the last eight months, fully a third of which have been directly concerned with the question of the Protocol or the problem of security in Europe. I think that does show, at any rate, a real effort on the part of the Government of this country to keep the Dominions fully informed of the progress of international events.

At the same time, I cannot help thinking that information circulated by the British Government to all the Dominions may not, however full and frank, always be exactly that which each particular Dominion Government wishes to have. It could, I am sure, be supplemented with advantage by information sent individually to each several Government by some representative directly under the orders of that Government, who had full and free access to all the sources of information upon which our communications are based, and who would know what his Government was particularly interested in and what it wanted to be kept posted about most closely. Australia has for the last six months had such a special liaison officer in this country, detailed from the Australian Department of External Affairs, who has the fullest access to all our Government Departments, and who will undoubtedly be able to be of great service to his Prime Minister in keeping him in touch with the progress of affairs. I need not, of course, say that we are equally willing to give the same facilities to any responsible representative whom any other Dominion may wish to appoint for a similar purpose.

MR. FISHER: Does that include access to Cabinet papers?

MR. AMERY: Yes, to a very large part of all the confidential papers, including Cabinet papers. He is, I may say, regarded as a personal representative of the Prime Minister of Australia, and in that capacity can see whatever the Prime Minister of Australia himself might wish to see or might wish to be informed about.

MR. J. H. THOMAS: What happens in case it is necessary to summon the High Commissioners? Does the gentleman referred to in the case of Australia attend with the High Commissioners from the other Dominions, or does the High Commissioner for Australia attend alone?

MR. AMERY: I am very glad my Right Hon. Friend has asked that question. This liaison officer is here to deal with those specific matters of high policy which are communicated directly to the Dominions, but which, at present at any rate, and until the Dominion Governments themselves decide otherwise, are not, as a matter of fact, dealt with by the High Commissioner, and, therefore, the particular occasion which my Right Hon. Friend suggests has not yet arisen. But I would add this: I would say that, valuable as this fuller and more individual information may be to a Dominion Government in the case of a relatively junior official like the one whom Australia has appointed, we should be equally willing to extend the same principal, if desired, to more senior and authoritative representatives, be they High Commissioners or any other representatives whom each Dominion Government may care to appoint—whomever they wish to depute for that purpose—not only for the purpose of securing first-hand information for their Government, but also for the purpose of confidential consultation with the British Government on any matters on which their Government might wish to be advised or might wish to have discussed.

There is one form of consultation, quite unofficial, I admit, but one which goes very far to meet the late Prime Minister's desire for a non-party discussion of Imperial problems and for continuity in the Imperial handling of these matters—a method which has developed greatly in recent years—and that is the direct intercourse, both here and overseas, between Members of the different Parliaments of the Empire, which has been so much stimulated by that most valuable organization, the Empire Parliamentary Association. I think all of us who have taken advantage of that organization, whether to make use of the opportunities which it affords us of meeting here in London men engaged in public life in other Dominions, or of visiting the Dominions themselves, realize how much we have gained both in knowledge and understanding of Imperial problems through those opportunities. In this respect there is one Member of Parliament—I think I am technically correct in describing him by that title—who has set a peculiarly good example to us all, and whose intercourse, not only with leaders of Governments and public men, but also with the

masses of the people with whom he has been in contact, has been of immense value in bringing about a closer understanding and creating underlying conditions of effective co-operation. I mean, of course, the Prince of Wales. The wonderful scenes of enthusiasm with which he was welcomed everywhere in our West African Colonies are a striking testimony of the affection with which the natives of these Dependencies regard the Crown, which, to them, at any rate, personifies all that they have gained by British rule in the last generation—an affection which has only been quickened and deepened by the Prince's own personality. In South Africa he has, since then, successfully carried out, and has now almost concluded, a tour where he has been throughout received with a welcome truly royal in its universality, and, I think, truly democratic in the way in which all classes of the community have united together to welcome him.

VI. ISSUE OF EXEQUATURS TO FOREIGN CONSULS IN THE DOMINIONS.
(Section V (d) of Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926, page 26 of Cmd. 2768)

D. 12140

No. 120.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 2 p.m., 25th November, 1926.)

TELEGRAM.

[Answered by Nos. 123 and 124.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

25TH NOVEMBER. Question has been raised at Imperial Conference as to procedure regarding issue of Exequaturs to foreign Consuls in Dominions. General practice hitherto in the case of all appointments of Consuls de Carrière in any part of British Empire has been that foreign Government concerned has notified His Majesty's Government in Great Britain through diplomatic channel of proposed appointment and that provided that it was clear that person concerned was in fact Consul de Carrière steps have been taken without further formality for issue of His Majesty's Exequatur. In the case of Consuls other than those de Carrière it has been customary to consult Dominion Government concerned before issue of Exequatur.

His Majesty's Government have accepted suggestion that in future any application by a foreign Government for issue of Exequatur to any person who is to act as Consul in a Dominion should be referred to Dominion Government concerned for consideration. If Dominion Government agree to issue of Exequatur, document will be signed by His Majesty the King, but instead of being countersigned by Minister here it will be sent to Dominion Government with a view to countersignature by appropriate Dominion Minister and delivery to officer for whom it is intended together with his commission of appointment. Foreign Government will be informed that the King's Exequatur received His Majesty's signature on such and such a date and has been forwarded to the Dominion Government concerned for countersignature by the appropriate Minister of State and delivery to the officer for whom it is intended together with his commission of appointment.

It is presumed that in cases where application is made for Exequatur in respect of an appointment already provisionally recognized by a Dominion Government, or resulting from recommendation made by Dominion Government in response to

request from foreign Government for name of suitable candidate, Dominion Governments would not wish to be consulted before Exequatur is prepared. Procedure as regards transmission of Exequatur to Dominion for countersignature would of course be followed in such cases. Similar telegram sent to other Dominions.—AMERY.

D. 12140

No. 121.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 3.0 p.m., 25th November, 1926.)

TELEGRAM.

CONFIDENTIAL. My telegram of to-day.* Consuls. Presume that it would be in accordance with wishes of your Ministers that practice of consulting State Governments as well as Commonwealth Government with regard to proposed consular appointments in Australia should not be applied to proposed appointments of Consuls de Carrière. As regards future procedure for countersignature of Exequaturs, will act on principle that only signature to be appended will be that of Commonwealth Minister.—AMERY.

D. 12140

No. 122.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 398.)

SIR, Downing Street, 30th November, 1926.
I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copies of a telegram* to the other Dominions on the subject of the procedure regarding the issue of Exequaturs to foreign Consuls in the Dominions.

I have, &c.,
L. S. AMERY.

D. 13178

No. 123.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.35 a.m., 12th December, 1926.)

TELEGRAM.

12TH DECEMBER. New procedure proposed in your telegram of 25th November* regarding issue of Exequaturs to foreign Consuls is quite satisfactory to the New Zealand Government. In case where application is made for Exequatur in respect of an appointment already provisionally recognized by this Government or resulting from recommendations made by this Government in response to request from Foreign Government for name of suitable candidate, Ministers state that it will not be necessary to consult this Government before Exequatur is prepared.—FERGUSON.

* No. 120.

D.13336

No. 124.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.40 p.m., 15th December, 1926.)

TELEGRAM.

15TH DECEMBER. Your telegram of 25th November.* Issue of Exequaturs to foreign Consuls in the Dominions. Ministers state that they have no objections to raise against the new procedure to be adopted in this matter which they understand will apply both to Consuls de Carrière and to those other than de Carrière. In the Union Exequaturs will be countersigned by the Minister of the Interior.

In regard to appointments already provisionally recognized or those that are pending as a result of recommendations already made procedure outlined in the last paragraph of your telegram under reference is concurred in.—ATHLONE.

VII. INTERNATIONAL STATUS OF THE DOMINIONS—MEMORANDA AND STATEMENTS REGARDING—

D. 11047

No. 125.

MEMORANDUM BY GENERAL SMUTS ON CONSTITUTIONAL RELATIONS.

[NOTE.—The following Memorandum was communicated by General Smuts to Mr. Amery in 1921, as a basis for the discussion at the Imperial Conference of 1921 of questions which might come before the Constitutional Conference recommended by the Imperial War Conference of 1917.† It was returned by Mr. Amery with his comments on the 20th June, 1921.

The Memorandum was not in fact circulated to the Imperial Conference of 1921, and the proposed Constitutional Conference did not take place.‡]

THE CONSTITUTION OF THE BRITISH COMMONWEALTH.

ONE of the most important matters for discussion at this meeting of the Imperial Cabinet is the Agenda or Programme to be laid before the Constitutional Conference which will be held at an early date. That programme will include such important matters as:—

1. The status of the Dominions.
2. The relations of the King, as the common bond of unity, to the component parts of the Commonwealth.
3. The methods of conference and consultation between those parts in all matters of common Imperial concern, and
4. Several other subsidiary but still important matters.

Before dealing with these points I wish to make two preliminary observations:—

In the first place, I would emphasize the urgency of the subject and the necessity of as early a settlement as possible. Delay in the settlement of Dominion status is fraught with grave dangers. The British Commonwealth cannot escape the atmosphere of political unsettlement and change which is affecting most other countries. The national temperature of all young countries has been raised by the event of the great war. The national sense, the unconsciousness of nationhood of the Dominions has received a great impetus from their share in the great war and from the experiences of hundreds of thousands of Dominion troops in the campaigns of the great war. While these experiences have strengthened the common bonds, they have undoubtedly also deepened the Dominion sense of national separateness, of the Dominions as distinct nations in the Commonwealth and the world. And with this sense goes a feeling of legitimate pride and self respect which affect the rank and file of these young nations just as much as their political leaders. Unless Dominion status is settled soon in a way which will satisfy the legitimate aspirations of these young nations, we must look for separatist movements in the Commonwealth. Such movements already exist, notably in South Africa, but potentially in several of the

other Dominions also. And the only way to deal with such movements is not to wait until they have become fully developed, and perhaps irresistible in their impetus, but to forestall them and make them unnecessary by the most generous satisfaction of the Dominion sense of nationhood and statehood. The warning against always being too late in coming to a proper settlement, which the example of Ireland gives to the whole Commonwealth, is one which we can only neglect at our peril.

My second observation is this: that it is not sufficient merely to lay down a formal agenda of points or topics for the consideration of the coming Conference. This Imperial Cabinet should give a definite lead to public opinion and to the Conference by drafting and provisionally approving a number of definite resolutions for the consideration of the Conference. If this is not done, there is every risk that the Conference may resolve itself into a series of academic discussions on some of the most difficult and intricate questions in the whole range of constitutional law. In that way the Conference might prove abortive and futile, and public opinion in the Dominions might become exasperated. From bitter experience in South Africa extending over about two years of public discussion, I feel that public opinion requires education—it requires a lead—it requires practical suggestions for its guidance through a maze of questions which even technical lawyers find it difficult to follow. If a series of resolutions were passed at this Cabinet, not as a definite and final settlement but as a programme for discussion at the Conference, and if these draft resolutions were published as soon as possible in order to guide the formation of public opinion all over the Commonwealth, we should go far in ensuring the success of the Conference and in making it the greatest landmark in the history of the Commonwealth. Nay, more: with such draft resolutions before it from the Imperial Cabinet, the Conference could be made a larger and more representative body and embrace representatives from other parties as well as from the Government. The issues to be settled are so important that it would be most desirable not to confine the Conference merely to the governing parties represented in the Cabinets of the Commonwealth. For every Dominion the settlement should not be a party one but a national settlement accepted if possible by all important sections of public opinion. I fear, however, that such a large Conference would prove abortive, unless it had before it the detailed proposals of the Imperial Cabinet. The Conference should be a sort of Legislative Assembly convened to consider definite motions placed before it. This enlarged Conference, if successful, could then become a precedent for the future and take the place of the present Imperial Conference which is not a very satisfactory body.

DOMINION STATUS.

I now proceed to discuss the matters which will be embraced by the draft resolutions, and, firstly, the definition of the future constitutional status of the Dominions in the Commonwealth group and in the world. After the evolution in the status of the Dominions, culminating in their signature of the Versailles Treaty and their membership in the League of Nations, what is their present position? What is clear in their present status, and what is still obscure or anomalous and requires further action? In general, the equal Statehood of the Dominions with the United Kingdom and with other Sovereign States has been affirmed both by Dominion and British statesmen, as following in principle from what has happened. Apart from general principle, however, it is most important to see what the position in actual practice is, for only in that way will it be possible to know what steps have still to be taken in order that the actualities of the situation may be brought to harmonize with theory or principle. The actual position may, I submit, be formulated as follows:—

1. As regards Legislative Sovereignty.

As a matter of strict law, the Parliament of the United Kingdom has sovereign power of legislation not only in respect of the United Kingdom but of the Empire as a whole, including the Dominions. Constitutionally, however, the Parliaments of the Dominions have exclusive legislative sovereignty in respect of their several Dominions, and any attempt of the Parliament of the United Kingdom to legislate for a Dominion would be unconstitutional and revolutionary.

Here two questions arise. Firstly, as the legislative sovereignty of the Parliament of the United Kingdom over the Dominions is constitutionally obsolete, is it worth while formally abolishing it; or had it better be left alone as a sort of

* No. 120. † See Cd. 8566, p. 5. ‡ See Cmd. 1474, p. 9.

symbolic reminder of the historic unity of the Commonwealth? I submit that it is an archaic form devoid of all substance in our unwritten constitution and may therefore be left alone.

Secondly, the legislative sovereignty of the Dominions is territorially restricted in their present constitutions. These give them power to legislate "for the peace, order and good government" of their respective Dominions. Extra-territorial legislation may be held to be *ultra vires*. I have contended successfully that the Dominions have power of legislation in respect of their mandated territories also. But beyond that their power is questionable. They could, for instance, not legislate for the annexation of new territories. This limitation on the legislative sovereignty of the Dominions should be removed by legislation of the Imperial Parliament which granted the Dominion constitutions. Several of the Dominion constitutions also reserve the power of their amendment to the Imperial Parliament. It would be desirable to amend these constitutions and, as in the case of the South Africa Act, give the power of amendment to the Dominion concerned. The application of the Colonial Laws Validity Act to future Dominion legislation should also be abolished, as it places the Dominion Parliaments in a position of inferiority and has clearly become an anachronism.

With these alterations in the law, the constitutional equality of the Dominion Parliaments with that of the United Kingdom would be established.

2. *As regards Executive Sovereignty.*

Here the present position may be summarized as follows:—The Dominion Executive, or the King in His Dominion Government, has constitutionally unrestricted power of executive action within the Dominion, and the British Government has not even a legal fiction of authority left. Outside the Dominions, however, that is to say in foreign affairs and international relations, the Dominions had no defined status until the Versailles Treaty. Their membership of the Peace Conference and of the League of Nations and their signature of the Versailles Treaty meant for them international recognition and an international status. But this is so recent an innovation that little has been done hitherto to carry this position to its logical applications. In practice the Imperial Government has continued to control the foreign relations of the Commonwealth *vis-à-vis* foreign powers. And in doing so the British Government has done little more, even in the way of consulting the Dominions, than to send occasional summaries of the international situation to the Dominion Governments. It is agreed that the Dominions are not constitutionally bound by Treaties to which they are not parties by their own signature. It is agreed also that they can authorize the King to appoint Dominion representatives to Foreign Governments, and some of them contemplate doing so. There has, however, not yet been time for any settled practice to grow up in regard to the foreign representation of the Dominions, and in consequence there is a good deal of obscurity about the whole position, not only in the United Kingdom and the Dominions, but also in foreign countries. Foreigners find it difficult to understand the unwritten British Constitution, in which precedents mould and expand the Constitution, and the legal aspect is nothing and the constitutional aspect everything. Even in America the Senate debates over the reservations in regard to the voting power of the British Empire in the Assembly of the League of Nations are a warning to us. Other people find it difficult to grasp the difference between legal theory and constitutional practice in the Empire and to see how the law of the constitution is moulded and finally abrogated by the practice of the Constitution, and how, without a change of the law, a British colony becomes in constitutional fact an independent State. These abstruse matters might be cleared up in some formal way which would show the true nature of the Dominion status as distinct from legal archaisms. It has been suggested by Mr. Duncan Hall in his interesting book on the British Commonwealth of Nations, that a declaration of Constitutional Rights should be made which would explain the new developments in the Dominion Status, remove obscurities, set at rest doubts and abrogate what is obsolete—a declaration, in fact, which would become a precedent and a most important amendment of the unwritten law of the Constitution. Such a declaration would set out that, as a matter of constitutional right, the British Parliament has no legislative power in respect of the Dominions; that the King has no more constitutional right of vetoing Dominion Bills than he has in respect of British Bills; and that the King in his Dominion Government has in respect of foreign affairs affecting the Dominions the same constitutional right that he has as King in his British Government in respect of the

United Kingdom. Other points might also be covered by such a declaration, which would definitely settle the new constitutional basis on which the Commonwealth rests and explain that basis to all the world. I heartily endorse Hall's suggestion which seems to me the easiest constitutional means of settling the international status of the Dominions, without changing the unwritten flexible character of the Constitution of the British Commonwealth. If the suggestion is adopted, the declaration could be drafted by the Imperial Cabinet, considered and passed by the Constitutional Conference and by them presented to the King in a formal address for His acceptance.

3. *As regards Judicial Sovereignty.*

The only limitation at present existing to the judicial sovereignty of the Dominions is the right of appeal to the Judicial Committee of the Privy Council safeguarded in all the Dominion Constitutions. This right of appeal, which is most extensive in the earlier Constitutions granted to Canada and Australia, is so seriously curtailed in the later South Africa Act that appeals to the Privy Council from the Supreme Court of South Africa are most rare and, owing to a recent ruling of the Privy Council, are likely to be still rarer in the future. The force of opinion in favour of this right of appeal to the Privy Council has greatly diminished in recent years, and there is now no strong reason why, if a Dominion so chooses, it should not have the power to abolish this right altogether. With the two larger Dominions it is now largely a question of internal arrangement as between the Dominions and their component states or provinces. If the power to amend their Constitutions is granted to the Dominions by Imperial Act, as already suggested, this will necessarily also give them the power to deal with the right of appeal to the Privy Council as they please.

The King and the Dominions.

The relations of the King to the Dominions raise some very difficult questions in regard to the status of the Dominions and it is best to discuss this aspect of Dominion status separately. Equality of statehood with the United Kingdom requires that the King should have exactly the same relation to a Dominion that he has to the United Kingdom; and the Prince of Wales, in a recent celebrated speech, which read almost like a constitutional declaration, said that this was so. But as things stand in practice to-day, this is not so. The statement would be correct if the King were also the Sovereign of a Dominion in his personal capacity. But this is not so. The King in his relation to a Dominion is not the King in his personal capacity, but the King in his official capacity as the constitutional sovereign of the United Kingdom. If, therefore, the King is to execute any act in relation to a Dominion he does so through the forms and channels prescribed by the Constitution of the United Kingdom. His appointment of a Governor-General to represent him in a Dominion is made technically on the advice of his British Cabinet and bears the counter-signature of a Secretary of State. The most significant illustration of this position is afforded by the recent appointment by the King of his Dominion Ministers as plenipotentiaries to sign the Peace Treaty on behalf of their Dominions; this appointment was countersigned by a British Secretary of State, although made on the advice of His Majesty's Dominion Executives. As long as this is so, it is impossible to contend that the Dominion Governments stand on the same footing as the British Government, their position being one of distinct inferiority.

There is another very serious instance of this inferiority. The Dominion Executive has not direct access to their Sovereign; they can only approach him officially through his British Government. The relations of the King to his Dominion Government have been placed under a British Secretary of State through whom all communications pass. The Governor-General, who represents the King in the Dominions, does not correspond direct with the King but communicates officially with the Secretary of State. The placing of the Dominions under the Secretary of State for the Colonies or indeed under any other British department or ministry is therefore in itself a sign of the inferiority in status of the Dominion Government to the British Government. In practice this inferiority is carried even further: the Governor-General is not merely a viceroy, representative of the King; he is also the agent in the Dominions of the British Government or more particularly of the Colonial Office. This is of course a relic of the past—quite out of harmony with the new order of things.

This state of affairs positively cannot be tolerated much longer. It is imperatively necessary that equality of statehood should in practice be carried out to the full extent of bringing about an equality of status between the British and Dominion Governments as co-ordinate governments of the King. This would involve:—

(a) that the Dominions should cease to be placed under the Colonial Office or any other British Department;

(b) that the Dominion Governments should have direct access to the King who will act on their advice without the interposition of the British Government or a Secretary of State;

(c) that the Governor-General should become a viceroy simply and solely and only represent the sovereign in his Dominion Executive and not also the British Government.

The important principle is contained in paragraph (b). If that is carried, the changes involved in (a) and (c) will necessarily have to be made by administrative action. Now one way of carrying (b) is the declaration of Constitutional Rights referred to. In such a declaration the King in the exercise of His Royal Prerogative could lay down that in future the Dominions will have direct access to him and that in his conduct as Dominion Sovereign he will only act on the advice of his Dominion Government. As the King resides in England, this would involve the residence there of a Dominion Minister of the Crown to remain in touch with him. Direct access of each Dominion Executive to the King should, however, not have the effect of weakening the intimate relations which keep the British and Dominion Governments in close touch with one another. Some machinery which will prevent their drifting apart under the new system will have to be devised. Perhaps the following suggestion might be considered:—

A Dominions Committee should be constituted consisting of the Prime Ministers of the United Kingdom and of the Dominions as ex-officio members, with the right, however, of nominating representatives to take their places on the Committee. This would not be a Committee of the present Privy Council, which is merely an organ of the British Government, but a real Commonwealth Committee. The Dominion affairs to be taken away from the Colonial Office and put in the charge of this Dominions Committee through whom formal correspondence between the Governments of the Commonwealth would pass. (The Committee should, however, not be a post office, such as the Colonial Office has largely become, and all merely business or departmental matters should be sent direct as between the British and Dominion departments concerned without troubling the Committee). Business which concerns any Dominion particularly would be dealt with by that Dominion's representative and the United Kingdom's representative. If the two fail to agree, the matter to be remitted to their principals, the two Prime Ministers concerned, for decision. It is assumed that in a purely Dominion matter the view of the Dominion representative shall prevail. In matters of common concern for the Commonwealth, the whole Committee should meet and dispose of the matter on the principles which guide the deliberations of the Imperial Conference and the Council of the League of Nations, viz., unanimity of resolutions and no attempted coercion of a dissentient Dominion. Members of the Committee to have direct access to the King who will be advised in regard to general Commonwealth matters by the Committee as a whole, and in regard to matters affecting a particular Dominion by the two representatives referred to. Thus, in regard to the appointment of a Governor-General or Viceroy, the King would be advised by the United Kingdom and Dominion representatives who no doubt will be guided by the instructions of their principals. I sketch the general idea of this Committee in outline and purposely avoid details.

It will be seen that the Constitution of this Dominions Committee will not only satisfy the requirements of the three points above stated, but that it will serve the further purpose of providing an Imperial organ of "continuous consultation," such as was contemplated in the Resolution of the 1917 Conference.

METHODS OF CONFERENCE AND CONSULTATION.

After what has already been said in reference to the Imperial Conference and the Dominions Committee, it is unnecessary to discuss this subject in detail, and I shall proceed to summarize my suggestions. There will be three organs of conference and consultation in regard to the common policies and concerns of the Commonwealth: the Imperial Conference, the Prime Ministers' Conference (in place of the Imperial Cabinet) and the Dominions Committee.

1. *The Imperial Conference or Commonwealth Congress* will meet every four years and discuss general questions of common concern, such as will from time to time come up for legislation in the Commonwealth Parliaments. It will no longer be confined to Cabinet Ministers but will be broadened in its membership so as to include representatives of the parliamentary oppositions also. Its sessions will go in rotation round the Commonwealth, and its President will be the Prime Minister for the time being of the country in which the session is held. It will generally sit in public.

2. *The Dominions Committee* which will be a continuous organization and form the link between the Throne and the Commonwealth Cabinets. It will be continuously available for the discussion of questions of foreign policy and other common matters as they turn up. It will also discuss important matters coming from the League of Nations, on which group action by the Commonwealth may be desirable. It will have a Commonwealth secretariat.

3. *The Prime Ministers' Conference* which I suggest should replace the present so-called Imperial Cabinet. This name is a misnomer, as it is no Cabinet and takes no executive action, nor is there joint responsibility to any Parliament. In the Dominions the name of Imperial Cabinet is already leading to serious misunderstanding and criticism. The Imperial Cabinet is really and substantially a Prime Ministers' Conference, to which other British or Dominion Ministers are also invited when the affairs dealt with by their departments are under discussion. It will be the Dominions Committee in an expanded form and clothed with greater authority. It will meet at least once every two years to review the foreign or defence or other common policies of the Commonwealth as a whole. It will lay down, subject to the approval of the several countries, the general principles of the common policies to be followed from time to time, and the Dominions Committee will take those principles as their general instructions in the intervals between the meetings of the Prime Ministers' Conference. The Dominions Committee and the Prime Ministers' Conference may on occasion for purposes of consultation hold joint sittings with the Committee of Imperial Defence.

There are only two other miscellaneous matters to which I wish to refer because of their great symbolic or sentimental significance. There is no doubt that the formal settlement of the above matters will complete the fundamental alteration in the basis of the British Empire which has taken place recently. It will no longer be an Empire but a society of free and equal sister states. A new name should mark that epoch-making departure. For this there is all the more reason because the name of the British Empire is for various reasons not universally popular throughout our group of associated nations. I would, therefore, suggest that the time has come for the consideration of a new name for our group, such as the British Commonwealth of Nations.

Secondly, some great symbol should mark the equal statehood of the Dominions and their entry among the nations of the world. This could best be done by their adoption of a distinctive national flag for each, in addition to the Union Jack or other common symbol of Imperial unity and allegiance.

To summarize the above suggestions:—

1. The Imperial Cabinet should draft a general scheme of future constitutional relations for the British Commonwealth, and this scheme should take the form of a series of concrete resolutions to be submitted for the consideration of the Constitutional Conference next year, and to be published for general information and public discussion in the meantime.

2. The scope of the resolutions should be the practical recognition of the equality of statehood of the Dominions with the United Kingdom and the methods of conference and consultation to be adopted in future in respect of common policies and concerns of the Commonwealth.

3. The resolutions should provide that legislation of the British Parliament be passed (a) giving power of amendment in respect of their Constitutions to the Dominions, (b) extending their legislative jurisdiction beyond their territorial limits, and (c) abrogating the Colonial Laws Validity Act in its application to future Dominion legislation.

4. The resolutions should further provide that a Declaration of Rights be presented by the Constitutional Conference for the acceptance of the King, providing (a) that the British Parliament has no constitutional right of legislation in respect of the Dominions, (b) that the Royal veto is in the same constitutional position in the Dominions as in the United Kingdom, (c) that the Dominions have direct

access to the Sovereign without the intervention of any British Secretary of State, and (d) that the international status and rights of diplomatic representation of the Dominions is unquestioned.

5. The resolutions should further provide (a) that Dominion affairs be removed from the Secretary of State for the Colonies and placed under a Dominions Committee, consisting of the Commonwealth Prime Ministers or their nominees and having direct access to the King; and (b) that in future the Governor-General in the Dominion shall be simply and solely a Viceroy, representative of the Sovereign.

6. With regard to the methods of conference and consultation the resolutions should provide that there be (a) a quadrennial Commonwealth Congress, (b) a biennial Prime Ministers' Conference (in lieu of the Imperial Cabinet), and (c) a continuous Dominions Committee; all with scope as above explained.

7. (a) To mark the fundamental change in the character of the British Empire, the resolutions should provide that its name be altered to that of the British Commonwealth of Nations. (b) To mark the fundamental change in the status of the Dominions, the resolutions should provide that besides a common Imperial flag (which may be the Union Jack) each Dominion should have its own distinctive national flag.

22889

No. 126.

UNION OF SOUTH AFRICA.

EXTRACT FROM A SPEECH BY GENERAL SMUTS (PRIME MINISTER)
AT CAPE TOWN ON 13TH APRIL, 1923.

(*Cape Times*, 14th April, 1923.)

THE WIDER ISSUE.

I WISH to say one word more in regard to a wider issue. Beyond the Union there is our membership in the great world-wide British Commonwealth. Our relation to it should be one of perfect goodwill and fruitful co-operation instead of that indifference and antagonism which the Nationalist Party preaches. The Empire is not only our best market, it is our best friend in a world seething with ill-will and national jealousies.

My conception and ideal of our Commonwealth is that it should more and more become one of the greatest active forces for good in the world. The position in the old world is to-day one of grave danger. The passions of nationalism are tearing Europe to pieces. The wave of nationalism will recede again, but in the meantime a whole civilisation may have been destroyed.

Our Commonwealth should stand for the larger, saner ideal of human co-operation and growing fellowship among the nations. And it should throw all its great weight into the scales to preserve world peace and to prevent the decadence of Europe.

THE CONFERENCE OF PREMIERS.

One of the most promising institutions in the Commonwealth is the Prime Ministers' Conference, which focusses its ultimate international policy. It is not generally recognized that the last Conference in 1921 had far-reaching beneficial results. At a time when peace was in the balance between France and Germany over the question of Upper Silesia, it declared its firm and united policy to the parties concerned, with the result that a peaceful solution was reached. It did an even greater service. It took the lead in suggesting the steps which led to the calling of the Washington Conference by America. It was the policy of the Prime Ministers' Conference which, in the result, substituted for the Anglo-Japanese Alliance a wider Union for the peace of the Pacific, a Union which associated America with Japan, and our Commonwealth in that great cause. The last Prime Ministers' Conference was, from the point of view of international policy, one of outstanding importance for the world.

POSSIBLE ERA OF WAR.

Another conference will assemble in October, and it may have to consider an even graver situation. It is impossible for our Commonwealth to be a mere indifferent spectator to the rapidly developing crisis in Europe. We dream of a régime of peace, but forces are being set going in Europe which may mean an era of war and extreme economic disturbance such as may well bring about in the end the ruin of European civilization. We should not fold our hands and passively look forward to the dismal prospect of having later to join in great military preparations for new emergencies. A policy of silence and drift now may be the most dangerous and expensive of all. The time is rapidly coming, if it has not arrived already, when our Commonwealth may have to define its position in certain eventualities and declare it to the world.

THE LEAGUE OF NATIONS.

I know I am treading on very delicate and dangerous ground, and I do not wish to add more at present than this. Our Commonwealth still has the position and the power to be the main European bulwark of world peace. The fate of Europe cannot be a matter of indifference to it. The League of Nations is there as the instrument of world peace, but in itself it is devoid of power, and can only rely on the full disinterested backing of those who have the power, and have no selfish aims of their own to serve. Foremost among these is the British Empire, whose greatest interest undoubtedly is the peace of the world. Its position should be defined, its policy should be clear to all the world and freed from all doubt and misunderstanding. Not in a Jingo spirit, not in a spirit of arrogance and inter-meddling, but in sincere impartial friendship to all, in a spirit of humble but determined loyalty to the great cause of peace, it should speak before it is too late, and before the passions of the nations have carried them too far.

My view is that never in all its history has the British Empire had a greater opportunity of great human service. And I trust that it will realize the greatness and the glory of its peaceful mission and speak the great word which, with the sole exception of America, it alone can still speak among the nations of the world.

24037

No. 127.

EXTRACT FROM A SPEECH MADE BY HIS ROYAL HIGHNESS THE
PRINCE OF WALES AT A DINNER GIVEN BY GOVERNMENT AT
THE HOUSES OF PARLIAMENT, CAPE TOWN, ON 2ND MAY, 1925.

THE visits which I have already made to the other Dominions have helped me to realize the great development in the constitutional status of the various self-governing parts of the British Commonwealth which has taken place since the war. That development was, perhaps, first strikingly marked by the separate signature, by the Representatives of the Dominions, of the Peace Treaties and by their inclusion as Members of the League of Nations. But anyone who has taken the trouble to study the history of the period since 1919 will realize that this development is going on all the time, and that the full conception of what is meant by a Brotherhood of Free Nations such as ours has still to be worked out.

I realize that the welcome which you extend to me is in recognition of the fact that I come to you as the King's eldest son, as Heir to a Throne under which the members of that Commonwealth are free to develop each on its own lines, but all to work together as one. No Government can represent all parties and all Nations within the Empire, but my travels have taught me this, that the Throne is regarded as standing for a heritage of common aims and ideals shared equally by all sections, parties, and nations within that Empire.

Attached 53845

No. 128.

NEW ZEALAND.

HOUSE OF REPRESENTATIVES.

(Tuesday, 1st September, 1925.)

DOMINIONS' STATUS IN FOREIGN POLICY OF EMPIRE.

MR. FORBES asked the Prime Minister if he had noticed the speech of Sir Robert Borden, as reported in the cables of the 19th August, where he had said that the problem of giving the Dominions adequate voice in determining the foreign policy of the Empire was a grave one. Sir Robert Borden advocated the following to attempt to solve the problem: High Commissioners of Dominions to be members of their own Governments, and receive the status of Privy Councillors in order to enable them to attend Cabinet meetings in London; representatives of Dominions on League of Nations to meet before each annual assembly to discuss common problems; each Dominion to send strong representations to the League to develop and strengthen the Department of External Relations. Also, whether the Prime Minister had noticed Sir James Allen's comments thereon on the 20th, when he said he hoped that all the Dominions would thoroughly discuss these proposals, and that they would result in a more concrete scheme which would more closely link up the British and Dominion Governments. Sir James Allen said he did not think the High Commissioner should be a member of Cabinet, but thought the other proposals were good. He (Mr. Forbes) asked the Prime Minister what were the views of the Government on the subject, and would he give the House an opportunity of discussing the matter.

The Hon. Mr. COATES (Prime Minister) replied that he thanked the honourable member for giving him the opportunity to reply to the question. He had read the contents of the cables and the reported remarks of Sir Robert Borden and Sir James Allen. The Government considered that the method at present adopted of consultation by cable between His Majesty's Government and the Dominions on matters of Imperial policy was satisfactory and sufficient for general purposes. Sir Robert Borden's proposal that the status and authority of the High Commissioners should be largely increased would no doubt be considered at the next Imperial Conference, whenever that was held. It had been suggested that the Conference would be held next year, but he could not speak authoritatively as to the date. The essential condition, however, would always be that nothing should be finally decided or agreed on by New Zealand without direct consideration by the New Zealand Cabinet in New Zealand, and that any such decision would be subject to ratification by the Parliament of New Zealand. Members were aware that that had been the practice in the past, and that was the Government's point of view in connexion with the question asked by the honourable the leader of the Opposition.

The Hon. Mr. HANAN: No Government should commit the country without the assent of Parliament.

The Hon. Mr. COATES said that was so. New Zealand was kept informed by cable of what was happening, and Cabinet acted in its wisdom accordingly, but whatever was done was ultimately subject to ratification by Parliament.

D. 6254

No. 129.

UNION OF SOUTH AFRICA.

EXTRACT FROM THE CAPE TIMES OF FRIDAY, 23RD APRIL, 1926.

UNION STATUS.

Statement by Prime Minister.

On the question of the Imperial Conference, the Prime Minister said that the Agenda had not yet been compiled, and only a few general points had been put forward for consideration, but he would be quite prepared before the end of the session, if possible, to bring up the matter of the Agenda and allow a discussion on it.

This brought the Prime Minister to the question of the international status of the Union, a point which undoubtedly would have to be discussed, he said. He had

always taken up the position that South Africa had secured a complete international independent status equal to any other Dominion or any other part of the British Empire.

As Free as England.

The Prime Minister proceeded: In that respect I contend that we are as free and as independent as England itself. On that point there is no difference between us, but there is a difference between us as to what is meant by this free, complete independent status. My contention is, and always has been, that we are in a position of absolute equality with even England, even in regard to the question of secession.

Mr. L. Goldenhuys (S.A.P., Johannesburg North): What more do you want?

General Hertzog: Exactly. That is the position theoretically, but we know that in practice we have a great deal to achieve and to acquire, and we all know that the Right Hon. Member for Sanderton has at all times been busy in trying to acquire these full rights, the exercise of these full rights.

We know that there are some of those rights which, if we should wish to, we could and might exercise, whereas there are others—this right of secession, for instance—which it would be very unwise and ill-advised for us to exercise, except along the deviation, through the agency and by means of England herself.

Take, for instance, in this connexion the question of having our own Embassies. It would be foolish for us to appoint our own Ambassadors and have our own Embassies all over; at the same time it may be wise and politic for us where necessary to have our own Ambassador or our own representative—whatever he may be termed.

Independent Status Secured.

It is not a question of fighting or striving for our independence or our independent status. Our independent status has been secured. (Hear, hear.) It is there. But the question on which we are at issue is how to make use of that independent status. (Hear, hear.) That is the question on which we have differed and on which we differ to this day. The other side have always taken up the attitude that we must not do this or must not do that. Take this case of appointing our own Trade Commissioner in America. The late Government would not do it.

General Smuts: It was a financial matter entirely, and nothing else.

General Hertzog: Well, we have progressed, and we are advancing from day to day, and if we want to have our own independent status we should, whenever necessary, take certain duties and burdens upon ourselves. I agree we should not try to undertake more; we should not take more upon our shoulders than we can carry; but where to-day England carries many things on our behalf we should, when opportunity offers and our interests demand, be ready ourselves to take over our own duties and carry our own burdens and responsibilities.

A Thorough Understanding.

This, Mr. Chairman, is unquestionably one of the first and one of the weightiest problems to be dealt with by the Imperial Conference. I feel convinced that if we face facts and if we make the outside world understand our position as an independent, free nation, many of the difficulties and objections which are facing us to-day will disappear. We have heard of the objections raised at the Customs Conference; I am sure that these difficulties will disappear if we make our position clear and if the other parts of the British Empire do the same.

According to the Agreement of 1923 we are entitled to our full and free rights. Yet one feels that there is something lacking—there is a feeling of fear, of nervousness, a feeling which seems to prevail among the other Dominions as well, that if they insist on their rights, on the exercise of their rights as free and independent nations, they may do something to impair that independent status. The result of this feeling of apprehension has been this discontent which was displayed at Lausanne and everywhere else. Everything is attributable to this, that there is this suspicion.

And now I come to the great difference between General Smuts and myself. He always takes up the position that everything has been conceded, that our full status as a free, independent nation has been conceded—up to a certain point—

General Smuts: Are you referring to secession?

General Smuts' "Halt."

General Hertzog: Exactly. Up to a certain point and then he cries "Halt." And the attitude he has taken up on that point is the most fatal he could have taken up on any point. If he takes up that attitude then it is absurd for us to claim that we are on a footing of equality with England.

If we want to remain on a friendly footing with each part of the British Empire, or whatever you call it, then it is essential that we should thoroughly and openly state what the position is. There is nothing to hide or to be afraid of, and that is where I differ from my Right Honourable friend (General Smuts). I say that we are absolutely free and untrammelled, absolutely independent, just as free as England herself. And if we should be so stupid to do so, we are free to secede.

If that is accepted as the position, then the Dominions have no cause to be suspicious of the position. If that suspicion is removed then I say that the various parts of the Empire stand in a relation to each other as free nations and free people. And we say to each other: "On what points (which we must agree to) do we stand together." There is the Crown; there is the will of the people; and it is on the will of the people that we say: "Here are the points of contact with each other on which we agree." Unless that is done, we shall achieve nothing under that status.

A "Super-Authority."

But, Mr. Chairman, there is this fear, there is this suspicion, that these rights and privileges which we possess as an independent and free nation are silently removed and taken away from us simply because we fail to take action in accordance with our rights. I repeat that the relations between the various parts of the British Commonwealth should be based on the will of the people—on the will of the people expressly stated and expressed. As soon as that is done, I feel that we shall be on a much sounder basis, and that we shall have a better and truer understanding.

This is where General Smuts differs from me. He cannot get away from the feeling that there is a sort of authority, a sort of higher power over us—a sort of super-State, of super-authority. Take my Right Honourable friend's speech on 11th November. When I saw his speech I said at once: "There lies the fundamental difference between my Right Honourable friend's policy and the Nationalist policy." He insists that there must be a super-authority, whether recognized by legislation or accepted by the Imperial Conference.

General Smut's attitude is that there must be a super-authority which can bind us all by what it says. Well, that is where we as Nationalists differ from the other side. We say that so far as South Africa is concerned there is only one authority, the people and will of the people—and that authority remains only so long as the will of the people prevails.

I want to give General Smuts every credit for the attitude he has taken up in regard to the federal idea when that was mooted, but at the same time I want to show his inconsistency there. In the creation of the League of Nations, General Smuts was one of the strongest advocates against making the League a sovereign power. In that I contend that he was quite right. But how can he bring his attitude on that occasion to accord with his attitude that in the Empire there shall always be a super-authority; why should he be apprehensive lest, if there be no such super-authority, the Empire break up? It is clear to me that there can be no such super-authority and that is also felt by the other Dominions.

"Each of Us is a Power."

You will never get people who stand for their independence and liberty to submit to this so-called super-authority over them, to submit to any such authority from outside. The sooner that is realized the better it will be. Let us be quite clear on that. Let us make it clear that we stand for freedom and independence, not in words, but in deeds. And then we must make it clear to the foreign Powers that each of us, each of the Dominions, is a Power (Mogendheid) the same as they are. (Hear, hear.) And if that is done, then I say that you will be bringing about, that you will have brought about, the true spirit of a commonwealth of nations—a different spirit from the one existing to-day. (Hear, hear.) You will then create a real, healthy and lasting Commonwealth of Nations.

General Hertzog was resuming his seat when, in reply to an interruption from the Opposition benches, he remarked: "I said before that the Empire was good for me so long as it was good for South Africa, and I still say that. I say again that an

Empire in which I am a part under an outside authority is not to the interest of South Africa, because that authority has not been created by the people."

Combination of Equal Status.

General Smuts appreciated the Prime Minister's willingness to allow the House an opportunity of discussing matters to be raised at the Imperial Conference. He did not think it served any purpose to go into an academic discussion as to our international status. The Prime Minister had stated that both sides were agreed on the status of South Africa, but differed only on one point—the right of secession.

General Hertzog had also remarked in his speech that he (General Smuts) was under the impression that there must be some super-authority. He could inform General Hertzog that he (General Smuts) had no such idea. His idea of the British Commonwealth was an organization or a combination of equal States and nobody superior. When he went to the Conference next October General Hertzog would find that that was the attitude of all the other Prime Ministers, and the British Prime Minister no less.

General Hertzog: Hear, hear.

General Smuts: There is no super-State, no super-authority. It is a meeting of equals under one Sovereign, and they meet and discuss matters of common concern.

Continuing, General Smuts said there was no need to enter into the question of secession. That was a high constitutional question, and he remembered the days when Mr. Beyers, the present Minister of Mines, from his place on the Opposition benches used to question the late Government on that point.

Mr. Beyers (Minister of Mines and Industries): It was a question of the evolution of practical equality. (Laughter.)

General Smuts: The Minister is still in the process of evolution. (Laughter.) I see from his attitude last night that he looks forward to the time when we shall have the right to appoint our own Consuls, but I see the Prime Minister has anticipated him by appointing a Consul in Angola. (Laughter.)

"I do not think we need bother about theoretical questions. The Prime Minister," the speaker assured General Hertzog, "will find that when he goes to the Conference he is on common ground with the rest of his colleagues there. Nobody recognizes a superior; there is no superior; it is a meeting of equals, and that is the position I have always taken up, whatever the Prime Minister may have gathered from what I have said. If he gathered anything different it may be due to the way I have of expressing myself, or to his way of understanding me." (Laughter.)

D. 6093/26

No. 130.

UNION OF SOUTH AFRICA.

EXTRACT FROM THE CAPE TIMES OF MONDAY, 17TH MAY, 1926.

UNION STATUS.

Speech by General Hertzog at Stellenbosch.

THE speech of General Smuts, delivered at Johannesburg on the 11th November last, dealing with the Locarno Treaty, created a widespread impression, if not a sensation, both in official and unofficial circles. This is not surprising.

According to General Smuts, the signing of this treaty by the United Kingdom, leaving it optional to the Dominions to subscribe to it or not, is an epoch-making event for the continued existence of the British Empire. In his opinion, the future existence of the Empire can be assured only by an unswerving allegiance to the principle of formal unity in regard to foreign relations, at any rate those of a more important nature.

He complains that during the negotiations in connexion with and at the conclusion of the Locarno Treaty this unity of action was not observed, and he sees therein the abandonment of the only principle whereby the unity of the Empire can be guaranteed, namely, the principle of group unity of the Empire in international matters.

International Freedom.

The full significance of this principle, with all that it implies, will, I think, be better understood by looking back over the struggle for international freedom by the self-governing Dominions of Great Britain, more particularly the Union of South Africa.

With the grant of self-government from time to time to one or other of the Dominions, the question has repeatedly arisen as to its scope, i.e., as to what is implied under self-government. It is obvious that the Dominion concerned, continually striving for freedom and the satisfaction of its national aspirations, had to put the widest and, for itself, the most favourable construction on its powers and authority.

In almost every case, therefore, the grant of self-government has been regarded by influential leaders of public opinion in the Dominions as an emancipation from hitherto existing bonds of subordination to the United Kingdom, coupled with a definite grant to that Dominion of autonomous power and authority, also in regard to the outside world and its relations with foreign Powers.

A Common Sovereign.

According to this opinion, each Dominion is, by virtue of its self-governing constitution, created a free, independent State, with a right to international recognition by foreign Powers, but with a common connecting link between itself and Great Britain, centred in the King. This mutual connecting link should, therefore, be regarded as no more than an actual *de facto* personal bond, without any legal or constitutional subservience to any authority other than that of the sovereign will of the people of the Dominion concerned. According to that opinion, therefore, each Dominion, by virtue of the self-government granted it, would be on the same footing with Great Britain, as a sovereign, free, international State; and, apart from the personal bond of their common sovereign, there would be no bonds between them other than those which may from time to time be agreed upon. Therefore, all unity among the Dominions themselves and between the Dominions and Great Britain, must originate in agreement and co-operation.

This doctrine, to which I have subscribed ever since the establishment of the Union, has not been without its opponents either here or elsewhere in the Dominions. Some of you will remember how in 1918, after my address to the students here in support of this doctrine, the Government of the day, through one of its Ministers, hurried hither to refute my contention in that respect as constitutional heresy; and how, shortly afterwards, in consequence of an expression used by me assigning independence to the Union, another Minister pointed out in the House of Assembly that there was such a thing as a prison for crimes of this description!

Fears of Separation.

From this it is sufficiently clear, not only that there has been difference of opinion with regard to that doctrine, but also that this difference has at times been strong and vehement. The reason for this vehemence, no matter how much it has been toned down by time, and is bound eventually to be regarded as unreasonable if not ridiculous, originated in a sense of fear, from which we have not emerged even to-day.

That fear was, that if this doctrine of a purely personal bond were accepted, the Dominions, as well as Great Britain, would go too much their separate ways by entering into foreign relations with other States, and that in that way a conflict of interests would arise, which would ultimately lead to a discontinuance of mutual co-operation.

That that fear is not entirely without foundation may be freely admitted. But let us now examine in what way opponents, who could not identify themselves with this doctrine, tried to evade this fear.

Here we must distinguish between the period preceding the signature of the Versailles Treaty and that from 1919 to date.

Before Versailles.

So far as I am aware, the principle of independence of the Dominions, binding themselves to Great Britain by means of the personal bond of the King, was never accepted by any of the Dominion Governments as such before 1919. Whatever may have been the opinion of individual Ministers, in this or that Dominion,

Governments like that of the Union carefully avoided advocating it, and never endeavoured to put it to practical test, excepting in a few instances, where, under force of circumstances, they were compelled to move in that direction and act in accordance therewith.

They were constantly possessed by the fear, to which I have just drawn attention, of the disruption of the Empire, and they knew of no means of avoiding this danger other than by the acceptance, and even the defence (as was the case with the Government here) of a status of subordination to and dependence on the United Kingdom. Not everywhere did this fear lead to the acceptance of the doctrine of subordination to such an extravagant degree as with us. But fundamentally, the attitude taken up by the various Dominion Governments has been the same, viz., rejection of individual State independence.

One of the consequences of this has been that nowhere has any attempt been made by any of the Dominions to obtain formal recognition of its international status by foreign Powers.

Britain's Attitude.

Also, that no encouragement has been given thereto by Great Britain is a matter of course. What is more natural than that she should likewise harbour the fear which the Dominions and Dominion statesmen so obviously allowed themselves to be influenced by? If these men considered it undesirable to accept the full consequences of their new status, as self-governing States, by what right could we expect that any recommendation would be made, or even encouragement given, in that direction by the British Government? Not only did the British Government abstain therefrom, but some of its leading statesmen did not hesitate to discourage any attempt in that direction.

In all fairness we should admit that, considering the opinion of the majority in the Dominions themselves, the British Government in general took up a correct attitude towards the Dominions and acted patriotically towards Great Britain. Where justice has not been done in this respect to the Dominions, the responsibility rests with the Dominions themselves and with their responsible leaders, who, sometimes, as here in South Africa, took it upon themselves to declare that we were not entitled to a measure of freedom expressly assigned to us by eminent British statesmen.

The result was that until the conclusion of the Versailles Treaty in 1919, it was in practice as well as in theory the general opinion in Government circles that the Dominions, notwithstanding the possession of self-government, were, nevertheless, subordinate to Great Britain, and had no rights in regard to matters of foreign policy.

An Awakening.

It speaks for itself, that there was no lack of experts and others to show that on legal and theoretical grounds this was exactly as it should be; that self-government to the Dominions did not in any way create these Dominions independent States, and that they could, therefore, have no right to an international status.

Meanwhile, this subordination of the Dominions to Great Britain drew more and more attention, and disclosed to an ever-increasing extent the dissatisfaction of the people of the various Dominions. When thus at the outbreak of the great world war, the Dominions suddenly appeared on the battlefields as belligerents fully armed, the international significance thereof could not be concealed, either from the Dominions themselves or from the outside world; and as the full significance thereof increased, it necessarily led to an awakening of the people, and no less of responsible statesmen, to a measure of international self-consciousness, such as never had been the case before.

"On Their Guard."

That it was therefore no longer possible to continue to accept the doctrine of Dominion subordination to Great Britain, was generally felt and accepted when the time arrived for the conclusion of peace. The Dominions, by what they had achieved during the war, had not only become fully conscious of their international status, but they had also been put on their guard, by their bitter experience and sacrifices, against being compelled to repeat these sacrifices, in the matter of a dispute to which they had been no party, and between Powers with whom they, as presumed subordinates of Great Britain, had no voice and enjoyed no right of expressing their views.

When therefore the War was at an end and peace had to be concluded, the Dominions had to decide whether, dominated by the fear of disruption of the Empire in case they accepted the status of Sovereign States, they should continue to adhere to the position of subordination, or whether they should accept the independent status of international States. Urged on by the additional fear which they had felt during the course of the war, namely, that their position of subordination might again plunge them into a war in the prevention of which they had no say, and spurred on by their awakening to national self-consciousness, the Dominions could no longer be satisfied with their former status, as hitherto exercised.

1919 and After.

To satisfy this new insistence on more right of action in matters of foreign policy, they had necessarily to take up their stand on the basis of international freedom and independence. This was, in fact, done by the statesmen who represented them at the Peace Conference.

The course adopted by these statesmen is peculiar and deserves our attention.

This brings us to the second period—the conclusion of Peace in 1919 and thereafter.

It is clear to me that the unambiguous and sound course which our statesmen should have followed there, should have been that of the recognition of the personal bond of a common King with Great Britain, without any other legal ties, but strengthened by such further ties as historical contact, common interests, and mutual agreements, as the will of the people of each separate Dominion might have been prepared to approve of. The leaders of the Dominions at the Peace Conference were, however, not able to carry their convictions as far as that. The furthest they would go was to effect a compromise between the view-point of Dominion independence and that of Dominion subordination.

A Fictitious Super-Power.

To obtain this, the idea of the unity of the Empire group was created, according to which the Dominions, in foreign affairs, would be on the same footing as Great Britain; while at the same time no one, not even Great Britain, should have the right to act as a separate State-entity in international affairs. In order to arrive at any decision in international matters, or to take any action, it would be necessary that the group should discuss the matter as a single unit, and, as such, arrive at a decision. A doctrine was, therefore, created according to which each of the Dominions, as well as Great Britain, would be individually subordinate to the group as a fictitious State Super-Power or supreme State authority.

The question might be asked whether, according to that doctrine, the decision of the majority of the group was to be binding on the minority? There is no reference made to this anywhere. It seems to have been simply assumed that there would be no minority. The argument appears to have been: the group must decide as one unit: therefore, the group will be unanimous.

Group Unity.

On this basis the Dominion statesmen, after consultation with those of Great Britain, arrived at an agreement during the Peace Conference, and accepted the doctrine of a "free and equal status"; and when the Peace Treaty itself had to be signed, an endeavour was made to give expression thereto, in different ways, one of which at once strikes the attention. This was the manner in which the Treaty was signed by the Dominions.

The idea of the Unity of the Group, with subordination of the Dominions to the group, had, of course, to replace the old theory of unity by subordination to Great Britain, which had to be sacrificed as obsolete; and, as in the case of the rejected theory, the impelling motive for the adoption of this idea was—the fear of disintegration, accompanied by the all too anxious desire to find a preventative in what must necessarily, if adhered to, result in nothing less than a quasi federal Empire, with the highest authority vested in the Imperial Conference; where, in case of difference, Great Britain would of necessity, by virtue of her powerful world influence and world interests, be the decisive voice; while in international affairs she would be considered as the only internationally-recognized State of the Group.

In Practice.

Let us now consider whether in practice the idea of the Unity of the Group has answered its original purpose, or whether matters followed a different course, as just indicated.

The main objects it was intended to achieve were originally two:—

1. The recognition of the Dominions as independent international States.
2. The assurance of the continued existence of the Empire by united action in foreign policy.

What has become of these objects? I think I am not saying too much if I maintain that so far nothing more has been attained along the fresh path than a further obscuring of the Status of the Dominions, and an endangering of any desirable co-operation between the Dominions and Great Britain.

Portuguese Opinion.

In order to give you an opportunity of judging how far I am right, I may cite in the first place the following:—

Firstly, concerning our Status:—

We are informed in the Press that in the Portuguese Senate a question was asked on the 4th instant concerning our international Status, as the result of a statement on the subject which I had recently made in Parliament. After a certain Senator had expressed the opinion that "the Union could not be considered an independent country," the Minister for the Colonies stated that South Africa is "a Colony with large autonomy, but dependent on British Sovereignty." Portugal is an independent State, and one of the foreign Powers with whom we, as neighbours, come in most frequent contact on international matters.

This is her opinion as to our international status. We may take it for granted, therefore, that opinion is not more favourable for us in the case of other foreign Powers. In other words, notwithstanding our free and equal status with Great Britain, we remain in the eyes of the outside world subject to British sovereignty, i.e., a subordinate of Great Britain.

This also applies to all the other Dominions.

Is the Portuguese Minister correct in his statement or not? Whether he be right or wrong, it is clear that his view does not agree with the theory of our equality of status with Great Britain.

Real Status Obscured.

It will be seen therefore from the foregoing that I am justified in saying that one of the two main objects of the idea of the unity of the group, namely, the recognition by foreign Powers of the Dominions as independent international States has not been attained, and that our real status has thereby only been obscured.

The idea of the unity of the group has not, as regards the conception of our international status by foreign Powers, brought us any further than we were before 1919. To-day, as then, they repudiated our claim to an independent international status.

In the second place, I wish to examine with you the question, in how far the group unity idea proves to be conducive to the continued existence of the Empire, and therefore to what extent it answers its purpose as a remedy against disruption. Let me first of all refer to a contribution to the March number of the "Round Table" by a prominent Canadian politician, by whom, in all seriousness, the following question is put:—

"Is there a place in the British Commonwealth of Nations for Canada, if she becomes a sovereign State, precisely as Great Britain is a sovereign State?"

To which question the writer answers as follows:—

"This is the question to which Canadian nationalists want an answer. Obviously, if there is room in the British Commonwealth of Nations for Great Britain as an independent nation, but no room for any other independent nation, Canada and the other Dominions are not nations, are not equal to Great Britain, but are in fact glorified colonies pretending in the face of the world to be something which they are not."

I feel convinced that when a public man of authority in a country such as Canada feels and speaks like this, all that can be said is that the principle upon which we have been engaged in building up the Empire since 1919 is more calculated to bring about its fall than to serve as a foundation for its future existence.

Reality a Necessity.

It is clear that a Dominion such as Canada wishes to see in its equal status real international independence, and that if it is prevented under the régime of the existing group-unity idea from obtaining that independence, it will be compelled to obtain it along a different way. The national aspirations of the peoples of the young Dominions are too forceful to be satisfied with mere appearance, where the reality has become a necessity.

But apart from the question in how far the theory of the unity of the group satisfies the national demands of the Dominions, I wish to answer the question briefly as to what extent that theory has proved to be feasible in practice.

The main idea of that theory is the united action of the group—i.e., of all the Dominions together with Great Britain—in treating with foreign Powers. No Conference with a foreign Power, in which the group may be interested, may therefore take place unless all the members of the group, at least if they so desire, are represented thereon.

But it has happened more than once that the most important International Conferences have been held without proper representation thereat being granted to the Dominions.

I do not wish here to examine the reasons for this. My intention is only to state that in actual practice the two main objects of the idea of the unity of the group have proved to be failures.

Locarno.

The most convincing proof thereof we find in the Treaty of Locarno, which was recently concluded. This treaty has been entered into by the British Government in such direct conflict with the principles on which the group-unity idea is based, that it has been found necessary to exempt the Dominions from any responsibility resulting therefrom, and also to give each of the Dominions separately the option of ratifying the treaty or not.

This treaty is, for the reasons I have already stated, of such uncommon interest that nobody will be surprised that General Smuts, as an enthusiastic supporter of the group unity idea, found it necessary to utter the protest of which I have made mention in the beginning of my speech.

General Smuts is one of those with whom the idea of the unity of the group originated, and according to him this idea must serve the purpose of maintaining the unity of the Empire, and the observance of this idea in practice is, to his mind, an essential condition for the continued existence of the Empire.

Unfortunately for those who hold, as General Smuts does, it has been impossible for the British Government, in this very important case of the Locarno Conference and the Locarno Treaty, to give effect to the essential condition of that idea—joint representation and joint decision—that is, unity of action.

Group Unity Rejected.

But of much more importance still is the fact that the British Government, by acting as it has done, not only has for good rejected the idea of group unity as being impracticable, but has also, by leaving it optional to each separate Dominion to be a party to the treaty or not, recognized that the Dominions cannot be prevented from acting in international matters as independent States.

Thereby it has finally broken with the idea of the unity of the group and group sovereignty, and we have fortunately returned to the recognition of the Dominions as International States.

That this idea has had to be rejected as a constitutional principle was unavoidable, because it has proved unfeasible in practice, and because the Dominions are not prepared any longer to remain in the position of subordinates in international matters.

In international matters it is only the really independent State that counts, and under the group unity idea none of us, not even Great Britain, could lay claim to sovereign independence.

So long, therefore, as the Dominions and Great Britain have not arrived at establishing some kind of super-authority, either by means of federation or by way of unification (both of which are out of the question), the idea of group unity, if strictly carried out, can bring us, inclusive of Great Britain, to nothing but impotence and inactivity in respect of international matters.

The Back-door.

From that position Great Britain has had to save herself at the Locarno Conference, and she has saved herself in the same manner as she had done at the time of the Lausanne Conference, and afterwards again in connexion with the Dawes Conference and at Washington, namely, by going her own way independently where her interests required her to do so, notwithstanding at times the threats of Dominions that they were not prepared to enter by the back door.

Unfortunately, according to international law, the group unity allows of no other entrance for the Dominions but by the back door.

Instead of questioning, with General Smuts, the actions of the British Government in regard to the Locarno Treaty, we ought to be thankful to Great Britain for having rejected once and for all such an ineffective safeguard as group unity.

This alleged safeguard has not secured to the Dominions any freedom, equality, or a higher status, which they did not already possess by virtue of their right to and power of self-government. On the contrary, it has destroyed in practice the international recognition of the Dominions, obtained by them through the signature of the Versailles Treaty. The recognition granted to them on that occasion by all the Foreign Powers of the world has at the same time been rendered nugatory by those who initiated this group unity idea.

"Back to Versailles."

If we wish to return to a sound basis, it will be necessary for us to go back to Versailles and once more resume our recognition by the Powers of the world as independent international States. The fear that scared us from following this road of independence has been an idle fear. But not only idle. Dominated by that fear, we have taken recourse to a preventative against mutual conflict, which to-day proves to be a Nessus shirt, and which will tend more to wreck than to save the Empire.

If we are called upon, in our own interest, to preserve the good and intimate friendly co-operation between the Dominions and Great Britain, we are equally bound to maintain our international independence. There is, however, no reason whatever why the possession and maintenance of the one should occasion less guarantee for the safe preservation of the other. I maintain that just the reverse is the case. According as the Dominions realize to a greater extent their international obligations, responsibilities and dangers, the feeling of the necessity for closer and more cordial co-operation between the Dominions and Great Britain will grow and convert itself into practice.

I have, therefore, no doubt that, if we have to return to a sound basis, we can accomplish this only by accepting the doctrine of Dominion independence, based on our rights under the Constitution and recognized at Versailles by the foreign Powers of the world, and by developing on that basis any further relations between Great Britain and the Dominions, so as to give every guarantee that can be expected for permanent co-operation.

To the Outside World.

In order to act for the future in conformity with this point of view and with full international effect, something more will be required from Great Britain and the Dominions than a mere declaration of constitutional rights among themselves. That declaration will have to be formally communicated by them to the outside world.

Should any of the Dominions not be prepared to give adherence to the principle of Dominion independence, they will, of course, be free to remain constitutionally where they are or where they desire to be. But their fearfulness should not be an obstacle to those Dominions to which international independence has become an unavoidable national necessity.

D. 6916/26

No. 131.

UNION OF SOUTH AFRICA.

EXTRACT FROM THE CAPE TIMES OF SATURDAY, 29TH MAY, 1926.

STATUS OF UNION.

House of Assembly Debate.

MR. HAVENGA (Minister of Finance) moved the second reading of the Appropriation (1926-27) Bill.

GENERAL SMUTS (leader of the Opposition) requested the Premier to make a statement as to the remaining business of the session. He also asked General Hertzog what his policy was to be at the forthcoming Imperial Conference, especially in the light of his recent speech at Stellenbosch, which he (General Smuts) considered a speech of first-class importance. Much of it was contentious and much of it open to dispute, but the Premier wound up with the following conclusion, as reported in the Press:—

"In order to act for the future in conformity with this point of view, and with full international effect, something more will be required from Great Britain and the Dominions than a mere declaration of constitutional rights among themselves. That declaration will have to be communicated by them to the outside world. Should any of the Dominions not be prepared to give adherence to the principle of Dominion independence they will of course be free to remain constitutionally where they are, or where they desire to be, but their fearfulness (or hesitation) should not be an obstacle to those dominions to which international independence has become an unavoidable national necessity."

The leader of the Opposition desired to know how far this quotation from the Stellenbosch speech represented the policy of the Government. Was it the intention of the Government to raise this question of Dominion status and the external sovereignty of the Dominions at the next Imperial Conference? Apparently General Hertzog feared there would be no unanimity at the Conference on this point, and, if it were so, was it to be the policy of the Union Government, on their own responsibility, to issue a declaration to the rest of the world of the Union's external sovereignty? General Smuts hoped the House would be allowed to go into this question thoroughly before any such declaration was made.

Premier's Statement.

GENERAL HERTZOG (Prime Minister), after stating that he would make a statement on Monday as to the further course of business, said:—

So far as I am concerned, I take up the position in regard to the status of the Dominions which I have explained on previous occasions. I take up exactly the same attitude as the right hon. member for Standerton, namely, that we are all free independent States, that we are all on a footing of equality and freedom with Great Britain and any of the other Dominions. We are all free, we are all equal.

But, unfortunately, the position is this, that questions have arisen, queries have been raised, as to what is meant by the word "freedom," and especially what is meant by this word "equality." And that is a question of the utmost practical importance to-day, not only so far as we are concerned, but also so far as the other Dominions are concerned, and even Great Britain itself.

As the right hon. member for Standerton knows better than any of us, the edifice which was erected at the 1923 Conference—and General Smuts is one of the builders of that edifice, an edifice which was to serve as the basis of our equality—has lately been tumbling down. In other words, it has been found that, on the basis upon which the Dominions worked in the past, and in regard to which certain important resolutions were taken in 1922, it has been impracticable to carry on. Consequently it has been found that the course which has been followed does not lead to any practical solution of the difficulties which have arisen.

"Necessary to Go Back."

It is clear to me that at the next Imperial Conference it will be necessary to go back, and the question will have to be reconsidered whether the course followed since 1919—or, rather, the course that an attempt was made to follow—is the right course.

I believe that in that short period which has passed there have been four or five cases where the procedure laid down has proved to be inappropriate and impracticable, and it is clear to me that at the next Imperial Conference the whole question will have to be taken into consideration again. I have always maintained and I still do so that it is essential that the question should be definitely and clearly settled.

It was held in the past that the Dominions are and will be subject (ondergeskik) to the Parliament and Government of Great Britain, but that position was dealt with in 1919, when a different state of affairs is supposed to have been created. Now I say that unless a definite course is adopted, unless the course laid down in 1919 is made definite and clear, then I fear that only one thing can result, and that is that this so-called equality of ours, this so-called freedom of ours, will come to nought.

I think it is generally known to-day, it is generally felt, not only in South Africa, but in the other Dominions as well, that we are gradually drifting back to the status of inferiority, of subjectiveness (onderhevigheid), and I believe that the right hon. member for Standerton agrees with what I have just said on this matter.

In other words, it is clear that not one of the Dominions is ready to sacrifice, to give up one jot, what it has secured. (Hear, hear.) And I want to add this, that I cannot think of anything more fatal than that we should go back on the status which we have secured.

Subjectiveness.

The intimate, hearty and friendly co-operation which was aimed at in 1919, when in England and Paris the principle of unity was adopted, has so far not proved practical. And the position to-day is that so far as the individual Dominions are concerned the position is most unsatisfactory, and the pursuance of the present course, it is feared, may lead to nothing else but a subjectiveness to something, either to Great Britain or some other unit, and it is clear to me that what we want to get at is that co-operation which was aimed at, that understanding which is so absolutely necessary, and when that is achieved it will be necessary for each of us not only to say that the one is equal to the other, but to let everybody feel that we are equal.

Not only must we feel we are equal when we are sitting round the table at the Imperial Conference, discussing matters as absolute equals, but we must also make it clear that we are all free and independent and equal in our relations towards foreign nations, and we must see that it is recognized by foreign nations that the Dominions are free and equal Powers.

To Avoid a "Fatality."

I know that the fear, the nervousness of a breaking up of the Empire, led to this agreement in 1919, but it is quite clear to me, from what has happened since, that the course which is being followed now will lead to the breaking up of the Empire rather than to a state of healthy and hearty co-operation. That, I think, must be clear to every one.

The question, therefore, will arise at the Imperial Conference as to what course should be followed to prevent the fatality to which I have referred, and to my mind that fatality can only be avoided if the Dominions are regarded not merely as independent (zelfstandig) units, but if the independence of these units is recognized by the Powers outside. If we follow that course, I feel convinced we should bring about a very much sounder, a very much healthier position, and a very much more lasting position than can possibly be achieved by the course which is being followed at present, and that is how I propose to put the matter before the Imperial Conference if I am asked to do so.

Naturally, other questions will arise which will have to be dealt with in the most practical manner, but they will all have to be dealt with with a view to bringing about that object.

Dominion Co-operation.

What is the aim of the Dominions and of Great Britain in regard to co-operation? There, again, I say this, that it is in our own interest that we should have the best co-operation possible, and the most lasting co-operation possible.

General Smuts has asked whether what I said at Stellenbosch represents the policy of the Government. What I said there is my personal, definite conviction, and, so far as the Government are concerned, my colleagues know what was my view on the matter, and I have no reason to doubt, at least so far as the Nationalist members of the Cabinet are concerned, that they agree with me. And, so far as my Labour colleagues in the Cabinet are concerned, I think they share my views. But in how far it is officially the feeling of the Government, the necessity has not yet arisen for me specially to have to consult them. However, before going to the conference they will no doubt let me know in how far it is a policy with which they agree. I repeat that I have not yet officially discussed the policy with them, but I have no doubt that they are in thorough agreement with me.

Independent Action Deprecated.

What General Smuts principally wants to know is how far the Government or myself intend to have the declaration at the end of my speech at Stellenbosch discussed, or, rather, in case I should propose this at the Imperial Conference and it is negatived, what it is I intend to do afterwards, and whether we should be prepared to issue a declaration to the outside world.

In reply to that, I want to say, "No." (Hear, hear.) That would be a very wrong thing to do. If there is one thing which is necessary in achieving our purpose of hearty co-operation, it is clear we must get what we want by means of consultation with each other, and if we cannot achieve the object which we regard as the right one, then we have to try and achieve it later on.

Just as little as the course which was followed in 1919 by General Smuts has proved to be the right one, just as little may my course be the right one. But I consider at the present juncture that it is the right course along which we can get more co-operation and better understanding.

The declaration which I made was this: it is quite clear to me that the Dominions and Great Britain have agreed that the one is not in any way inferior to the other, but that they are all on a footing of absolute equality. That is the agreement which we have arrived at *entre nous*. But experience has taught us that although we have agreed to that, the outside world knows nothing about it, except in so far as the signing of the Covenant to the League of Nations is concerned. Beyond that, the outside world knows nothing about us as international States.

Outside Recognition.

It is only in the League of Nations and through the League of Nations that we are known as international States, but nothing beyond that, and I think the time has come that that position should be changed, and that we should not merely say among ourselves that we are independent States, on a footing of absolute equality, but that we should also make it known to the outside world. When that is done the position will be clear, and then we shall know what our relations are in the future.

We shall stand as equals under the same Crown, bound together by the history of the past, but, above all, bound together by a feeling of goodwill towards each other and by a desire to co-operate for the best and for the interests of all of us. We shall not be able to bring this about so long as there is the present great source of suspicion and friction.

That great source of suspicion, I assure you, exists not only in South Africa. I assure you, from what I have seen, that that source of suspicion and friction exists in a larger degree with some of the other Dominions.

The result to-day is this, that because our status of freedom and equality is known merely among ourselves, there is a sort of fear, of nervousness, to make our position known to the world at large. Everyone is afraid that some degree of that freedom or liberty may be lost—say, for instance, when Great Britain does something when the other Dominions cannot stand in, or when they cannot come in, and they are all nervous that they are giving away some of their rights and privileges.

Danger to the Empire.

If that sense of apprehension and nervousness is not removed, it will lead, in a comparatively short space of time, to the breaking up of the Empire. That is what I am afraid of, and to my mind this can be avoided, and it will be avoided, when that source of friction and suspicion is taken away, and it will only be taken away when it is not merely the Dominions themselves which know of our independence and freedom, but when that freedom and independence is made known to the outside world and is accepted by the outside world. When that happens we shall have a very much healthier condition of affairs than what we have to-day, and I am convinced that many of these factors which to-day lead to disunion and friction will cease to exist. (Hear, hear.)

The declaration which I had in mind was this, that, instead of us just making this equality and liberty known among ourselves, we should make it known to the outside world, and we should make the outside world realize that in future it is our wish that every one of us shall be regarded in that light. Speaking from reports from nearly every side, our experience to-day is that, because this has not been done, difficulties are continually being placed in our way. Because the outside world has not been informed what our position is, we find that to-day—and it is found by every one of the Dominions—there is an interference with the exercise of our State rights as soon as we have any relations with foreign Powers, and this is a continuous source of friction, of disunion and suspicion, which eventually must be fatal to that co-operation which we are all aiming at.

Announcement by Great Britain.

I repeat that, if the Dominions and Great Britain want this friction and this disunion to be removed, then they must, after consultation, take the necessary steps in order to bring about this announcement to the outside world which I have referred to, and there is only one way in which that can be done, and that is by Great Britain telling the outside world what our position is. That has never yet been done, and to-day we are not enjoying in the eyes of the outside world that status which in actual fact we are supposed to possess.

If we ask why such and such a Government acts in such and such a way towards us, the reply, the only one that can be, is: "Yes, it is true, you want us to do so and so, and we should like to do it, but you must not forget that we, as a nation friendly with Great Britain, cannot act towards you as you want us to do, because officially we have never been informed, and until such time as we are officially informed of what your position is we cannot do so, and we cannot treat you as an international State."

Let me say this, that that is a position which is taken up not merely by hostile States. It is the position taken up even by a country like America towards us. It cannot be otherwise. All your international customs oblige countries like America and any other State simply to ignore us until such time as England informs them of our position.

Friction and Irritation.

All these things are a continuous source of friction and irritation and suspicion. If there is one thing which should be terminated, and the sooner the better, it is this. Whatever our status may be, for Heaven's sake let it be made known to the foreign Powers. Everybody should know what our status is, and until our status is known by foreign Powers we simply do not exist as an independent State. Such an announcement can only be made with the consent of Great Britain, and to my mind it is a matter of so much importance that, unless the announcement is made, I consider that the greatest doubt will continue to prevail as to what our status is.

I am pleased to say that the question of our status has lately been receiving a good deal of attention in foreign countries. In the past the matter was discussed by several authors in well-known periodicals, but I am glad to say the matter has also been taken up by papers in other countries. So long as the position is not definitely cleared up you will get unpleasantness and friction, not only among the Dominions themselves, but also between the Dominions and Great Britain, and for that reason I say that it is in the interests of everyone that a clear and definite statement should be made. I take up the position that we stand on a footing of equality and freedom, and our future relations must be based on our free will and on a feeling of mutual understanding and trust. (Hear, hear.)

D. 7185/26

No. 132.

IRISH FREE STATE.

EXTRACT FROM DAIL EIREANN DEBATES OF 2ND JUNE, 1926.

MINISTER FOR EXTERNAL AFFAIRS (Mr. Fitzgerald): Deputy Johnson asked me to give some indication as to what our attitude would be at the Imperial Conference and how we stand in regard to certain statements made by representatives of other Dominions in other places. I think I have said before that Dominion status might be described as adolescent but not entirely adult. I think equality is recognized. The non-implementation can be recognized as existing in three distinct spheres. Under one heading is the office of the Governor-General. The office originally was that of a representative of the Colonial Office, as it was then. Although the Governor-General's office has evolved entirely from that, there are still existing certain anomalies reminiscent of it. I think these anomalies should be removed. Another thing is that although the equality of status is recognized, there has been, so far as I know, practically no exercise of extra territorial powers. I think extra territorial powers should be possessed and exercised, not merely by one member of the Commonwealth, but by all co-equal members of the Commonwealth. The third general heading is that it should be made clear, beyond any

doubt, not only in principle but in every detail of implementation, that in so far as the work of the Government of any individual Dominion is concerned, no one should possess power to have any say in regard to, to interfere with, or veto the work of that Dominion, except the Government of that Dominion. I think those three headings, more or less, cover every important matter that Deputy Johnson could have had in mind.

Deputy Hogan suggests that I mentioned the Imperial Conference had powers. The Imperial Conference has no powers whatsoever; but nations working together find it useful to come together at times and consider any difficulties that may arise in their so working. I do not think it has the power exactly to define matters, but where anomalies exist the representatives of the Governments have the power to agree that it is time these anomalies were done away with. I do not think they can all be done away with at any one Imperial Conference; but in friendly council the representatives of the Governments can agree that the full implementation of equality should now be exercised, in so far as it can be exercised at present, without introducing anything particularly revolutionary, but at the same time indicating the process of growth and of rapid growth.

Deputy Hogan also referred to the status of Government super-imposed on members of the British Commonwealth of Nations. The only representatives who can have anything to say in regard to Dominion status are the representatives of the Dominions, and amongst the Dominions I include Great Britain. The Deputy also referred to the predominant partner. There is no predominant partner where there is equality. There is the basic fact, namely, that Great Britain is most powerful militarily, financially, and economically; necessarily Great Britain carries most weight.

The Deputy suggested that the best way of indicating our status would be to stay away from the Conference. Unfortunately, there is the fact that one of the things we ought to look for at this Imperial Conference is that the British Government would itself take steps to make clear to the Governments of other countries what exactly the status of Dominions is, namely, that they are co-equal and that they are fully adult States exercising all the powers of States. It is rather unfortunate that should be necessary, but I think the Deputy will realize that nations and governments will accept a statement from the British Government that it recognizes us as co-equal, much sooner than they will accept the statement that we regard ourselves as co-equal. It is an unfortunate fact that the word of the man with the big gun and the big pocket should carry more weight than that of the other man; but that is so to a great extent in ordinary human nature, and it is certainly so in the life of nations.

I do not propose staying away from the Imperial Conference. I believe that very useful work can be done there. It is time the anomalies I have referred to were done away with. The anomalies exist under the three headings to which I have alluded, and which, I think, Deputy Johnson will agree, cover any points he had in mind. I have considered the thing very carefully, and I think under these three headings fall all the anomalies of the apparent infringement of our co-equal status. With regard to the International Court, perhaps it would be better if I dealt with that on the League of Nations Estimate. I move that the Committee report progress.

D. 7185/26

No. 133.

IRISH FREE STATE.

EXTRACT FROM DAIL EIREANN DEBATES OF 3RD JUNE, 1926.

MINISTER FOR EXTERNAL AFFAIRS (Mr. Fitzgerald): Last night if I had another half-minute I think I would have finished my statement. As far as I remember, I answered all the points raised, particularly by Deputy Johnson, except one, and that is one that it is practically impossible to answer. Deputy Johnson raised the point of our position in case of war. The Deputy may remember that on 5th February the same question was raised, and I said at the time that as regards actual participation, the point was covered by Article 49 of the Constitution, and as to legal or technical war, it was a thing that was very doubtful and was largely dictated

by brute facts. Deputy Johnson himself, I think, pointed out that public opinion in the Dominions was tending very largely towards the assertion of a position whereby the Dominions would not be either technically or legally at war necessarily by the fact that Great Britain was at war. That is the opinion certainly, but I think so far it cannot be given as a definition. I think the whole trend of things will tend to make that opinion a fact. How far as a fact it will have any reality in the case of war it is very hard to say. It would be a valuable thing to have it established that the Free State would not be even technically at war, but from the point of view of utility the position of the Falkland Islands would be much more effective. I can only say that the general growth of opinion is towards the point maintained by Deputy Johnson, namely, that it would be possible for Great Britain to be at war and other Dominions not to be even technically at war, but I do not think that is a thing that so far can be laid down as an actual definition.

D. 7213/26

No. 134.

CANADA.

EXTRACT FROM CANADIAN DEBATES OF 21st JUNE, 1926.

MR. MACKENZIE KING: In conclusion I have just one other word to say bearing directly on this matter. Hon. members will have noticed that I have drawn a distinction between an obligation placed upon a government and an obligation placed upon parliament. In this instance I direct my present remarks more in the form of a question to the right hon. the Leader of the Opposition (Mr. Meighen) than of any observations with respect to certain declarations which he has made on the subject of Canada's participation in foreign wars which, of course, arises out of obligations assumed through agreements, treaties or conventions.

In a speech made at Hamilton in the fall of last year my right hon. friend is reported as making a very significant statement. I hope he will correct me if in any particular I fail to give the quotation aright. I am taking the following quotation from my right hon. friend's speech as it is found reported in the *Mail and Empire* of Toronto, of 17th November, special to the *Mail and Empire* from the staff reporter at Hamilton under date of 16th November. I will not attempt to read the whole of the speech, but I will deal with the point that is pertinent to my present remarks. My right hon. friend is reported as saying:—

"If ever the time should come when the spectre of 1914 should again appear I believe it would be best not only that parliament should be called, but that the decision of the government which, of course, would have to be given promptly, should be submitted to the judgment of the people at a general election before troops should leave our shores. This would contribute to the unity of our country in the months to come and would enable us best to do our duty. It would not mean delay. Under the stress of war delay would be fatal. Let me make clear what I mean. The government would have to decide and decide quickly what was best in the interests of Canada. The government would have to act on its judgment, but before there was anything in the way of participation involving the despatch of troops the will of the people of Canada should first be obtained."

The question I wish to ask my right hon. friend is this—and I hope he will explain it when he gets up to speak—whether by that declaration he means that it shall rest solely with the government to make the decision whether or not Canada shall participate in wars or whether it shall be parliament which must approve before the further reference is made to the people as a whole in a general election. As I read my right hon. friend's remarks they are capable of two interpretations. One is that if Canada is asked to participate in a war, parliament will be summoned, but there is no obligation to place before parliament for its approval the decision taken with respect to sending troops overseas. I think my right hon. friend's remarks may be read to mean that the government itself, irrespective of parliament, will have the determination of whether or not troops are to go overseas; what the government would do would be to call parliament together very quickly and as soon

as parliament is called together there will be an appeal from parliament to the people in a general election after the government has reached a decision but before it has submitted its decision to parliament for approval.

MR. MEIGHEN: I can answer that now. I never for a moment contemplated that the government would make the decision irrespective of parliament.

MR. MACKENZIE KING: Does my right hon. friend say his policy is that parliament should in the first instance approve the decision of the government?

MR. MEIGHEN: I have not said anything about the order. I simply say in answer to the direct question put to me: I never contemplated the government acting in the way of sending troops without the approval of parliament.

MR. MACKENZIE KING: That does not answer my question. I think it is due to the House that my right hon. friend should make his position clear. Let us assume for a moment that the government has reached a decision to participate in a foreign war. Will he first obtain parliamentary approval of that decision before appealing to the people in a general election?

MR. MEIGHEN: If the people have to be appealed to, it is perfectly worthless to appeal to parliament first. The people will decide and parliament, when elected, will approve.

MR. MACKENZIE KING: Now we see exactly what my right hon. friend means. He does not mean to ask the approval of parliament, the representatives of the people, with respect to our participation in foreign wars.

MR. MEIGHEN: Not at all.

MR. MACKENZIE KING: I beg his pardon. His answer is not capable of any other interpretation. He will call parliament together but he will not say that he will submit to the approval of parliament the decision that the government has reached with respect to participation in foreign wars.

MR. MEIGHEN: I did not say that at all.

MR. MACKENZIE KING: I ask my right hon. friend again. Will he answer the specific question? I will put a concrete case to him. Under the Locarno Agreement let us assume that the government has decided that troops are to be sent to France or Germany. Will my right hon. friend say that if he has decided that troops are to go, when he calls parliament together he will submit that question to parliament and abide by the decision of parliament before he makes his appeal to the electorate?

MR. MEIGHEN: I have answered the question already, but my answer is only being misinterpreted and the Prime Minister had better finish his speech.

MR. MACKENZIE KING: My right hon. friend has not answered the question.

MR. MEIGHEN: Yes, I have.

MR. MACKENZIE KING: Well, Mr. Speaker, I direct the attention of the House and the country to the tactics of my right hon. friend at the present moment. I will read the language again so that hon. members will see his position exactly. He said:—

Let me make clear what I mean. The government would have to decide, and decide quickly, what was best in the interests of Canada. The government would have to act on its judgment—

Not parliament, but the government—my right hon. friend and his executive—would have to act on their judgment.

—but before there was anything in the way of participation involving the despatch of troops the will of the people of Canada should first be obtained.

In other words, my right hon. friend is declaring in this speech that should there be war in any part of the world, he will take good care to see that this parliament, the representatives of the people assembled in parliament, do not have to approve the action of the government before it makes an appeal to the electorate, but he will precipitate a khaki election after the government has reached its decision, and allow a condition of affairs to arise at a time of war abroad which might be equivalent to civil war itself in parts of the Dominion at a moment when the nation should be united and view the matter with the greatest care and the greatest caution. I say, Mr. Speaker, that my right hon. friend owes it to this House to make the position of the great party which he leads a little plainer to the people of Canada than he has made it this afternoon. The resolution which the House is being asked to pass will make it clear, no matter what may be in the mind of my right hon. friend, that before this country participates in a foreign war parliament must be assembled and its approval obtained to the sending abroad of troops to take part in the war.

Now, Mr. Speaker, I submit that in this policy we are asserting the supremacy of parliament. Two or three years ago my right hon. friend took the position that we should not even wait for parliament if a call came to us to participate in a war overseas, but that we should say, "Ready, aye, ready"—get right into the fight.

MR. MEIGHEN: Mr. Speaker the Prime Minister is not only misrepresenting me, but he is doing so intentionally.

MR. MACKENZIE KING: I am not doing anything of the kind.

MR. MEIGHEN: Yes.

MR. MACKENZIE KING: Then I will leave it to my right hon. friend to tell us whether when he said, "Ready, aye, ready" he meant we should be "Ready, aye, ready." I am quite prepared that in that extreme as in the other his position shall remain in the doubtful category in which he has placed it himself.

MR. MEIGHEN: We are not children.

MR. MACKENZIE KING: I have no desire to get into a controversy in this matter. As I said at the beginning, I only wish to state the position in the clearest possible way. I asked my right hon. friend for an explanation of the words which he used, but I have not yet been able to get from him an explanation which the country will regard as satisfactory. Let me say, Mr. Speaker, with regard to the position of the present administration and of the Liberal party, that whatever may be the position of my right hon. friend and of those who surround him, on this grave question of the obligation of the country to participate in foreign wars, we declare that in regard to the ratification of treaties, conventions or agreements involving military or economic sanctions we stand first, last and always for approval in the first instance by the parliament of Canada. We do not take the extreme of ignoring parliament in one way or the other. We believe that parliament stands as the one body representative of the nation as a whole, and we believe that by having it understood in advance that on all these great questions parliament will be consulted and its approval obtained, we will be helping to maintain without possibility of division or difference the relations between the different parts of this great empire, and that in the most effective way we will be able to further unity within our own country and unite within the British Empire as well.

D. 7892/26

No. 135.

EXTRACT FROM HOUSE OF LORDS PARLIAMENTARY DEBATES OF
27TH JULY, 1926.

LORD BALFOUR: Another point on which the noble Lord* questioned me was that of the Imperial Conference, and he asked me about the dates. I understand that the Prime Minister is to make a statement in the very near future and I need not anticipate that. I have little doubt myself that for the convenience of the Dominions the date will have to be deferred to after 5th October, but I leave the Prime Minister to say exactly what the last arrangements are that we have arrived at in conjunction with the Dominions.

The noble Lord* ended by raising the point of the relations in which the Dominions stood to us in case of difficulty and asked me whether that question will come up. It will certainly come up if any of the Dominions desire it, and I think there can be little doubt that the subject will be touched upon. Perhaps I had better say no more on the subject. My own personal view is that the relations are those necessarily of equality. None of us conceive that of these conglomeration of free States one is above the other. One may have more responsibility than another, one may be in more dangers than another, one may be closer to the centre of international complications than another, but all are on an equality. That is the very essence, as I understand it, of the British Empire. As to exactly what that equality involves, as to exactly what degree of responsibility each has for the other, on that I personally think very little is gained by refining, discussing or defining. I should say that as far as this country is concerned we are bound to go to war to defend any part of this Empire which is in danger. Personally I think the duties of all the

* Lord Parmoor.

other members of the Empire to us are not less than our duties to them, but, as to the particular conditions under which that great duty is to be exercised, I do not believe anything is gained by inventing hard cases beforehand.

Our plain duty is to defend the Empire of which we are so important a part. That duty, I hope and believe, we shall always carry out and it is also our duty—I am sure I speak for the Government in this respect—to bring them into our councils as far as that is possible. There are what I might almost call mechanical difficulties in certain kinds of consultation—difficulties of time and space which no scientific discoveries will wholly enable us to eliminate. Time and space inevitably come into these considerations, but we desire to give them the fullest information as to the motives which animate our policy. We desire to bring them with us on every possible occasion. We desire that the unbreakable bond which unites us together shall carry with it that mutual confidence, that constant interchange of ideas, that harmony of ideas and ends which, after all, are the great basis and strength of the Empire. As to how far these general maxims—perhaps you might call them platitudes—and in what way, they will be dealt with by the various elements of the Empire when they meet together towards the end of October I am unable to say, but I confidently hope and believe that the political instincts, identical in character, identical in aim, which spring from the fact that we have all been brought up under common traditions and with common political instincts, will carry us through all the difficulties of discussion and, when the occasion arises, through all the perils and perplexities of action.

VIII. IMPERIAL CONFERENCES. STATEMENTS IN THE DOMINIONS ON THE CHARACTER OF—

9203

No. 136.

UNION OF SOUTH AFRICA.

HOUSE OF ASSEMBLY DEBATES.

(29th January, 1924.)

(Extract.)

THE PRIME MINISTER:

I wish to quote one passage from the report of the proceedings of the Imperial Conference which I think states the position quite clearly. At the section dealing with Conference resolutions on page 13, this official paragraph occurs. This is the paragraph:—

"This Conference (that is, the Imperial Conference) is a Conference of representatives of the several Governments of the Empire. Its views and conclusions on foreign policy (and, of course, on everything else) as above recorded are necessarily subject to the action of the Governments and Parliaments of the various portions of the Empire, and it trusts that the results of its deliberations will meet with their approval."

I hope the hon. member agrees with that.

MR. CRESWELL: Certainly.

THE PRIME MINISTER: Well, sir, these words were written by me. These words were moved by me and inserted into this report. We had a controversy during the Conference as to the nature of the Conference, as to its position in the Empire, and after this controversy had been going on for some time, I moved in these words as an amendment. They were unanimously accepted by the representatives of the various Dominions and the representatives of the British Government, and they stand here as an official record of the nature of the Imperial Conference and the binding character of the resolutions taken by them. I quoted this to show the Hon. Member

that about the constitutional position there is no doubt whatever. If there were any doubt whatever about the constitutional position of the Imperial Conference, these words that were moved into the report and accepted unanimously, I think, removed for ever any doubt that may have attached to the position.

19822

No. 137.

EXTRACT FROM DEBATE OF THE CANADIAN HOUSE OF COMMONS.

(14th March, 1924.)

MR. LAPOINTE:—

May I say, while on this subject, a word or two about the recent Imperial Conference.

I am glad that this last Conference vindicated the idea that led to these gatherings, namely, that they are conferences merely and by no means an executive committee. These gatherings are intended to allow various British Prime Ministers to meet together and confer, exchanging views and communicating opinions, wishing one another well, trying to help one another, but preserving all the time each his own personal individuality. And it should be so; any attempt to transform these conferences into a body with more power would be a step towards destruction.

In view of certain statements which were made by one or two of the delegates to the last Conference after the result of the recent British elections, I think it is well that we should express our own views in the matter. They are mistaken who believe that the decision of any such conference is binding, either upon the Dominions or upon Great Britain herself. The Parliament of Canada will never subscribe to this doctrine, and it does not expect the Parliament of Great Britain to subscribe to it either. Those decisions are not any more binding when they relate to fiscal matters or Imperial preference than when they relate to naval or other policies. It is preposterous to think that the people of Great Britain could be bound to a policy which they might have rejected at the polls by an overwhelming vote. Canadians would resent any contention that an Imperial Conference might interfere with our mode of raising revenue; and surely we must admit that the people of Great Britain have the same right.

16369

No. 138.

EXTRACT FROM DEBATE OF THE CANADIAN HOUSE OF COMMONS

20TH MARCH, 1924.

CANADA'S CONSTITUTIONAL POWERS.

Mr. Mackenzie King:—

My honourable friend spoke about questions of foreign policy. I took the position at the Imperial Conference that Canada had matters of foreign policy which were pretty largely exclusively of her own concern; that the greater part of our foreign policy was concerned with questions affecting our neighbours immediately to the south, and that it was for us to decide those questions and to act on our own initiative. That point was never disputed, never questioned for one moment. There are other obligations which Canada has of an international character, which are larger and wider in their bearings and ramifications, and which may affect other parts of the British Empire. In those circumstances, surely we would expect to give the same treatment as we would expect to have meted out to us, namely, to consult with other parts that may be affected before final action is taken. Let me read the statement which the Conference made in regard to foreign policy. It will be found at page 13:

"This Conference is a conference of representatives of the several governments of the Empire" (Mr. Woodsworth).

Stating in so many words the position of equality of status which has been referred to by the Minister of Justice (Mr. Lapointe).

"Its views and conclusions on foreign policy, as recorded above, are necessarily subject to the action of the governments and parliaments of the various portions of the Empire."

That is as emphatic a declaration as anything can be that with respect to foreign policy the matters discussed at the Imperial Conference are not binding in any particular on this country and on this Parliament, unless our Government and Parliament so agree.

28352

No. 139.

COMMONWEALTH OF AUSTRALIA.

EXTRACTS FROM OFFICIAL REPORT OF DEBATE IN THE SENATE AND HOUSE OF REPRESENTATIVES, 27TH MARCH, 1924, ON THE IMPERIAL AND ECONOMIC CONFERENCES, 1923.

MR. BRUCE: One other point to which I wish to refer in connexion with the Imperial Conference is the necessity for the holding of such Conferences at as frequent intervals as possible. It would be desirable that a Conference should be held every year, but for the fact that the different parts of the Empire are scattered over the seven seas. They should certainly be held at least every two years. It is important that there should be more continuity between the holding of these Conferences. At the present time a secretariat is really brought into being for each Imperial Conference. It is a secretariat responsible to the Conference as a whole, but responsible also to a British Department. That places the great self-governing Dominions of the Empire in a wrong position. They should have a secretariat responsible, not to the British Government, or to any British Department, but to the whole of the self-governing parts of the Empire. We have a very admirable example of what is required in the War Graves Commission, which is functioning at the present time. That body is not responsible to any one part of the Empire. It draws its finances and personnel from all parts of the Empire, and is responsible to the Prime Ministers of every one of the self-governing Dominions and of Great Britain. That is a better position, and one which I suggest would be more appropriate to the prestige and position of each of the self-governing Dominions represented at an Imperial Conference. It would further have the advantage that it would give continuity between such Conferences, so that on subjects discussed and questions raised there would be continuity between the proceedings of successive Conferences, and one would not have to begin again something which had reached a definite stage as the result of the proceedings of an earlier Conference. I believe there is some prospect that in the near future a secretariat of that character, entirely free of control and interference by any British Department, will be established. At the last Conference the time was not quite ripe for such a development, but the indications were that very soon some such change would be brought about.

MR. MAXWELL: What would be the size of the secretariat?

MR. BRUCE: It would be quite a small body, consisting probably of one representative from each of the Dominions.

I now come to the question of communication and consultation between the British and Dominion Governments on subjects of foreign policy when Imperial Conferences are not sitting. If we were so geographically situated, or our methods of communication were so advanced that the members of these Governments could at all times have personal consultation, the difficulty would be solved. But at the present moment we cannot obtain that full and absolute consultation which is so desirable. The necessity for consultation arises in this way: A policy which is the

right one at the moment may be agreed to. But circumstances may change, necessitating a different line of action. That is what creates the need for frequent consultation. The practice of consultation was established when the right of direct communication was given by the Prime Minister of Britain to all the Dominions. An undertaking was given that communications concerning foreign policy would be cabled to the Dominions and would be supplemented by despatches sent by every mail. That system is now operating, and up to a certain point is giving satisfactory results. At the present time the Prime Minister of one of the Dominions receives as much information concerning foreign affairs as does a Cabinet Minister in Britain. But there is a difficulty when the atmosphere surrounding a question changes slowly. It is seen—only by the Foreign Secretary possibly—that some change will take place. He discusses the matter with the Prime Minister, and perhaps two or three other Ministers. Eventually the Cabinet considers it. But it may then happen that the Cabinet's decision must be given at once and that it is too late to consult the Dominions. In that regard, the present method of consultation is weak. Among the suggestions for improving it is the appointment of a Resident Minister. While at home I examined that suggestion exhaustively, and I found that the difficulties in the way of its adoption were at present insurmountable. There is the difficulty of sparing a Minister of the calibre needed to represent worthily Australian opinion. There is also the difficulty that if the Resident Minister expressed any opinion it might be claimed that he had spoken for his Government, and that we might be held not entitled to offer any protest later. I do not believe that the appointment of a Resident Minister in London would be an improvement upon our present arrangements. When Australia has developed more, it may be deemed necessary to have a representative in Britain to deal with foreign affairs, but he would act more as an Ambassador than as a Minister or High Commissioner. Sir Robert Garran, who rendered invaluable services while away with me, spent a good deal of his time in the Foreign Office, gathering information concerning the methods and machinery now operating, and as a result I believe the present system will be improved. I arranged with Mr. Ramsay MacDonald that he should release to Australia for a period of six months Mr. Alex. Leeper, an Australian, at present employed in the Foreign Office. This officer has had a very distinguished career in the Foreign Office, and is a son of Dr. Leeper, of Melbourne. I think Mr. Leeper's presence in Australia will help to put the foreign office branch of our Prime Minister's Department on the best possible basis, and will assist us in many of the problems that we have to face. It may also result in some arrangement whereby there will be an increased flow of Australians into the Foreign Office. At present there are only three Australians on the Foreign Office staff. I think that number could be increased. It would be a very good opening for men of the type of Rhodes scholars, who would be very useful in putting the Dominion's views before the Foreign Office.

IX. IMPERIAL CONFERENCE, 1926. STATEMENTS IN THE DOMINIONS AS TO REPORT OF THE INTER-IMPERIAL RELATIONS COMMITTEE.

D. 430/27

No. 140.

EXTRACTS FROM A SPEECH MADE BY THE RIGHT HONOURABLE W. L. MACKENZIE KING ON THE 13TH DECEMBER, 1926, DURING THE DEBATE ON THE ADDRESS IN REPLY TO THE GOVERNOR-GENERAL'S SPEECH AT THE OPENING OF THE SESSION.

Perhaps this is an appropriate moment for a new statement as to the position of the Governor-General. In this connexion I was a little surprised at the suspicion with which my honourable friend was inclined to view a reference to the Crown in the Report of the Imperial Conference Committee. He asked very pointedly whether there was any ulterior motive, or if there was anything behind the plain statement of fact which appears in its pages. I may say to my honourable friend that the reason the statement was made so plain was to prevent the possibility of anyone having an ulterior idea with respect to any phase of the subjects to which it

relates. I might just read to the House the statement contained in the report with reference to the position of the Governor-General. The pertinent words are as follows:—

The Governor-General of a Dominion is the representative of the Crown, holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain, and that he is not the representative or agent of His Majesty's Government in Great Britain, or of any department of that Government.

I think that is a statement with which every honourable member of this House will be in hearty accord. My honourable friend asked if there was any particular reason why the word "Crown" should be substituted for the word "King." I may say that I was not aware of a thought in the mind of anyone that a substitution was being made; in fact, in the one sentence both words are used:—

—the representative of the Crown holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain—

My honourable friend in the course of his remarks drew attention to the fact that some old documents refer to the queen, having reference to the Victorian era. Possibly the word "Crown" was put there in order to stand for either king or queen. I can assure my honourable friend that from any discussion I heard at the Conference, and from what took place there, there was not in the mind of anyone, so far as I am aware, the slightest desire to have the Crown mean other than the ruling sovereign, be he King George or any of his successors, and be they kings or queens.

The important point of that paragraph, the significant feature of it, is that which makes perfectly clear that the Governor-General in Canada is the personal representative of His Majesty; that he is in the truest sense of the word, a viceroy; that he is not the representative of the Government or of any department of the Government of Great Britain. That is the important feature of that particular statement and I am sure there is reason for feelings of pride in the breast of every citizen of this Dominion that a statement to that effect should be made in unqualified terms. Indeed, the paragraph immediately preceding gives the reason why the statement is made as clearly as it is. It reads:—

That position—that is the position of Governor-General—though now generally well recognized—that is as the representative of His Majesty in the Dominion—undoubtedly represents a development from an earlier stage when the Governor-General was appointed solely on the advice of His Majesty's Ministers in London and acted also as their representative.

In our opinion it is an essential consequence of the equality of status existing among the members of the British Commonwealth of Nations that the Governor-General of a Dominion is the representative of the Crown, holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain.

MR. BENNETT: I do not like to interrupt, but perhaps the right honourable gentleman would not mind if I asked him this question. Does he mean the Crown in right of the Dominion, and is the appointment of a Governor-General to be made on the recommendation of His Majesty's Ministers in Canada or His Majesty's Ministers in London? That is a development of the proposition with which he is now dealing.

MR. MACKENZIE KING: I was coming to that. The point that I wished to make perfectly clear in the first instance was this: That within the British Empire, in the so-called Self-Governing Dominions, there has been a distinct constitutional development, or evolution, whatever term one prefers to use, from the status of Crown Colony to that of a Self-Governing Dominion. In the case of a Colony a Governor-General is sent out as the representative, not merely of the Crown, but of the British Government: he receives his instructions from the British Government or some department of that Government as its agent, and he acts as an agent of the British Government.

In a Self-Governing Dominion the position is different: the Governor-General in a Self-Governing Dominion is constitutionally in identically the same position in relation to the affairs of the particular country to which he comes as His Majesty the King is in relation to the affairs of Great Britain. He is not, any more than

is His Majesty the King in Great Britain, an agent of the Government or a representative of the Government or any department of the Government of Great Britain. The Governor-General in a Self-Governing Dominion such as Canada, represents His Majesty the King alone. From now on there can be no question as to his not representing the Government or any department of the Government of Great Britain.

As to the matter of the selection of Governor-General I am not wholly familiar with the methods that have been adopted heretofore. I am inclined to believe that what the Leader of the Opposition (Mr. Guthrie) surmised this afternoon, namely that the Government of Great Britain, before making an appointment, conferred with the Prime Minister of the day either by written or oral communication and made the appointment only after such conference, is the method that has been followed, at least in recent years. Speaking of what took place with respect to the appointment of the present Governor-General, I do not think I am betraying any secret which I should not, when I say that the British Prime Minister did confer with me as Prime Minister of Canada with respect to that particular appointment, and that the distinguished gentleman who is at the present time filling the position of Governor-General was heartily approved of by myself in correspondence with the Prime Minister of Great Britain before the appointment was made.

I do not think the British Government would, for one moment, contemplate recommending the appointment of a Governor-General to Canada who was not *persona grata* to the Ministry in office in Canada at the time of the appointment. It will, I think, be time enough to raise the question as to whether we are to draw hard and fast lines between the British Government and our own in the matter of the ultimate selection of a Governor-General when any difference threatens between the British Government and our own over the matter of an appointment. I have not the least doubt that the Government of Great Britain would not think of suggesting the appointment and, in virtue of the statement that is here laid down so emphatically, will not hereafter attempt to recommend the appointment of a Governor-General to this Dominion without the approval of the Prime Minister—and that I take it means the Cabinet—of this country before the appointment is made.

I come now to the remarks of my honourable friend (Mr. Guthrie) with respect to the Imperial Conference. I confess that I was somewhat surprised at the comments he made upon and the questions he asked in relation to the Conference. He seemed extremely critical of the results that had been achieved. I would remind him as well as honourable gentlemen opposite that the criticisms he has directed, apparently at my colleague and myself, apply in equal measure to the representatives of Australia, New Zealand, South Africa, the Irish Free State, Newfoundland, and Great Britain, inasmuch as every resolution that appears and every line of the Report has the unanimous approval of all the representatives at that Conference. When my honourable friend suggests that possibly there has been some ulterior motive in the use of the word "Crown" instead of the word "King," when he finds possibilities of disruption of the Empire in other sections of the Report, he is adversely criticizing the Prime Minister of Great Britain; he is criticizing Lord Balfour, the Leader of the British Government in the House of Lords; he is criticizing the Foreign Secretary of Great Britain. In a word, he is criticizing every member of the British Government and every one of the representatives of the other Dominions who took part in the Conference. If my honourable friend will for a moment forget altogether the political bias which he may feel he is expected to show to some extent, and will look at the Report as all those who were present at the Imperial Conference certainly looked at it, he will realize that what is therein embodied expresses only what the representatives of every part of the Empire, after the fullest and most careful examination, felt to be in the interests of all concerned. That is the point I wish first of all to impress upon my honourable friend. The second point to which I would call attention is the contradictory character of his comments with respect to the question of equality of status. As I listened to his remarks it seemed to me that the first part of his speech was an effort to show that nothing had been attained which had not been accepted for some time. I gathered that in his view Sir Wilfrid Laurier had contended that Canada had the fullest rights of self-government in all particulars; that there was equality of status with the Mother Country so far as this Dominion

was concerned. He contended also that Sir Robert Borden had taken that position; at any rate I think Sir Robert Borden would wish to have it known that he had so held. The whole argument of my honourable friend at the beginning was to the effect that, after all, statements made with respect to equality of status constituted simply an affirmation of a position which Canada had maintained as already established. Then in the last part of his address the honourable gentleman's effort seemed to be directed to showing that there was no such thing as equality of status. The position he took was that there could not be equality of status inasmuch as England was very much larger, more powerful and much more influential than the Dominion of Canada. In his view, therefore, the talk about equality of status was all nonsense. Now, with all due respect to my honourable friend I suggest that he has confused in his own mind the terms "status" and "stature." Status and stature are not the same thing. Bigness, extent of power, and the like are all matters of stature and not of status, for status has nothing whatever to do with size. Status has to do with rights enjoyed within certain limits. Perhaps I might offer an illustration. Every honourable member of this House, whether he be the youngest member and one who has entered parliament for the first time or the oldest parliamentarian like yourself, Mr. Speaker, enjoys an equality of status with every member. There is not one member of parliament who as member has any greater right than any other. Some, it is true, may perform different functions, may for the time being fill one position or another; one may be exercising the function of a Minister of the Crown and another the function of the Leader of the Opposition; but each is, so far as his status goes, a member of the House of Commons of Canada, representing the people of the particular constituency which has returned him here, and each constituency is entitled to the same measure of representation in this House of Commons. Every constituency has the same right to representation in this parliament, quite regardless of the individual stature or importance in other particulars of its representative. That is precisely the view the Imperial Conference has taken with respect to Great Britain and the Self-Governing Dominions; it is not a question of size; it is not a question of power or of might, but a question of the rights of each of the self-governing communities with respect to the control of their own domestic and external affairs. With regard to the domestic and external affairs of this Dominion, the Imperial Conference has said that in the opinion of its members, those rights of control are just as full and complete with respect to Canadian affairs as are the rights of the British Government in respect of the domestic or external affairs of Great Britain. Now I should like to know, Mr. Speaker, is there any honourable member of this House who would have the position any different. Does my honourable friend wish us to be in a position of subordination? I will come to that in a moment.

Before I come to that, however, in order to reassure my honourable friend and any other timid souls as to how far they are being involved in virtue of anything that has been done, I would like to recall what my honourable friend said as to Sir Wilfrid Laurier's attitude, when he attended an Imperial Conference. Sir Wilfrid took the position that he was attending a conference and not a cabinet. Let me say that that was the position which my colleague and myself took very firmly from first to last throughout this Conference and that was the position I took at the previous Conference. I recall very well at the Conference of 1923 urging strongly that that point should be made clear in the Report of the Conference itself, that the Conference was not a cabinet laying down policies of government for the Empire, but that it was simply what from its name it purported to be, namely a body of gentlemen representing different governments, who had met to confer together, to come as far as possible to a consensus of opinion and then report the result of their joint deliberations together with their recommendations, back to the governments and parliaments which they had been sent to represent. Expression is given in the Summary of proceedings of the Imperial Conference of 1923 to that position. It will be found on page 13 of the printed proceedings (Canadian edition) as follows:—

This Conference is a conference of representatives of the several governments of the Empire; its views and conclusions on foreign policy, as reported above, are necessarily subject to the action of the Governments and Parliaments of the various portions of the Empire, and it trusts that the results of its deliberations will meet with their approval.

That was the position taken in 1923 and that position was again taken at the recent Conference. It was a conference of representatives of the different governments, and everything that Conference did, before it begins to bind a single part of

the Empire, is subject to the approval of not only the governments but also the parliaments of the different parts of the Empire. It is the intention, Mr. Speaker, of the Government to set apart one day or two days, or longer, if so desired, for the discussion of the Proceedings of the Conference, meanwhile I wish to assure honourable members of the House that in no particular has the hand of a single member been bound with respect to any matter which appears in the report of the proceedings. The Report represents what the representatives assembled in London were led to believe or came to believe was a true statement of the position of affairs at the present time, and as it was desirable they should hereafter be known to be. If this Parliament takes a different view from that of the representatives of the governments at the Imperial Conference, it is quite within the power of Parliament to so express itself. I may say to my honourable friend that the Government intends to put the Report before this House just as it appears, and to recommend its adoption. If my honourable friend has any resolution to offer in amendment, we welcome his amendment, and ask him to debate it with us on the floor of the House. As it stands, however, we believe that this document expresses in the best possible form what is a matter of common opinion and agreement between all parts of the British Empire, and we believe that as such it will help make for greater concord and greater unity within the Empire.

D. 384/27

No. 141.

EXTRACT FROM A SPEECH MADE BY GENERAL HERTZOG AT A DINNER GIVEN IN HIS HONOUR AT CAPE TOWN ON 13TH DECEMBER, AS REPORTED IN THE CAPE TIMES OF 14TH DECEMBER, 1926.

Empire Co-operation.

It is simply as a son of South Africa that I wish to say a few words. First to give you the assurance that, not only as far as I am concerned, but I give it you—although I have not consulted my friends (Mr. T. Roos and Mr. Beyers) to my right yet—so we may, perhaps, speak out of two mouths again, but I am quite prepared to take the risk and to say that as to the co-operation between the various constituent elements of the Empire you need have no fears. (Cheers.) Further, if ever that co-operation was assured it has been assured through the declaration to which the chairman referred. People may say what they like but I say—and I do so with the greatest emphasis because I know that what I say is going to be the case if it is not so already—that the declaration of the Imperial Conference means the greatest measure of co-operation—willing co-operation—between the various elements of the Empire, and through that the Empire is going to be assured of its continued existence in a manner in which it could not have been assured in any other way—(cheers)—because there are matters which only the free will of nations can assure, and you cannot get the free will of nations to assure that unless they feel that the exercise of that will is free. That is what we have been assured of through the declaration issued by the Imperial Conference.

A New South African Spirit.

Now with regard to the co-operation in South Africa I feel assured that with that declaration a new spirit—a new South African spirit—if it has not already been born, is going to be born very shortly and is going to be the reigning spirit for the future in South Africa. (Cheers.) Through the declaration the main causes of difference between the two great races in South Africa have been removed, and have been removed permanently. The old differences cannot possibly return because their causes were due to the want of national freedom in South Africa. When, from time to time, the two races came into conflict it was because the one was searching to have that national freedom established, while the other was trying to have that national freedom curbed, because it did not look upon it as consistent with what it considered its own national freedom. The resolutions of the Imperial Conference have done away with that, for they state that there is only one national freedom which shall be common to every South African.

CAUSES OF FRICTION REMOVED.

A New Political Life.

Well, I feel sure that the real causes of friction between the two sections have been removed—those which existed directly and those which followed indirectly from what I have said here this evening, with the result that I foresee that no long time is going to pass before we shall have, and must inevitably have, in South Africa a totally new adaptation of our life, especially our political life, in South Africa.

And let me say I think that I only voice the feeling of every South African when I say we shall all be heartily glad when that day does arrive. (Applause.)

I think we have all felt, and we have given expression to it very often already, that we are just beginning to tire of the constant bickering which leads to nowhere. (Applause.) It has been going on for, well, not several years; you may say for the last ten years or more; and it is time, if we are really, as a nation, to attain to the great end for which we all believe South Africa is destined, to have more in common with the national South African spirit than we have proved to have had up to to-day.

A Great Conference.

If what I have said this evening is true, or is going to become true, we shall always have reason to think with the greatest gratitude of the Imperial Conference of 1926. (Applause.)

I do not think that even your Chambers of Commerce, standing outside the pale of politics and party politics, will fail to appreciate it. With these few words, I again wish to thank you very heartily. I feel here this evening what I felt and what I said to my friend who accompanied me—when I received those cables of what South Africa was thinking of the declaration of the Imperial Conference. I feel again—a new spirit has already been inaugurated in South Africa, and we need have no fear as far as the future is concerned. (Applause.)

D. 384/27

No. 142.

EXTRACT FROM A SPEECH MADE BY GENERAL HERTZOG AT A LUNCHEON GIVEN IN HIS HONOUR AT CAPE TOWN ON 13TH DECEMBER, AS REPORTED IN THE CAPE TIMES OF 14TH DECEMBER, 1926.

I HAVE been welcomed here, and am being welcomed this afternoon mainly, as has been said, because of my return from the Imperial Conference, and mention has been made of the excellent results of the Imperial Conference. I must say I am just a little in doubt as to what to think of all this. On my voyage I received news, radios—and if there is anything to spoil a voyage nowadays it is your radios—at any rate, your radios constantly informed me that in South Africa it was very strenuously maintained that nothing at all was achieved at the Imperial Conference which was not there before.

A Matter of Premises.

Now I think that that is right. But I also think the other one is right—what you have maintained here this afternoon—that excellent results have been obtained from the Imperial Conference. It is all a matter of the premises from which you start; and then you can come to any conclusion.

The two parties arriving at different conclusions, I have no doubt, are perfectly sincere; it is only in the variation of the premises from which they start. Whether I am one or the other does not matter, as long as I come to my own conclusion. (Laughter.)

In the first place, as I have already said, you are perfectly right, that excellent results have been attained by the Imperial Conference; but let me please here say again what I said this morning—do not let it go forth that I claim any prominent part in what has been achieved; certainly not a more prominent part than that of the different Premiers who were there, who did their very best to arrive at the very best results during that period.

Of the Utmost Importance.

I think that nobody can deny that what has been achieved at the Imperial Conference is of the very utmost importance to every Dominion, and not only to every Dominion, but let me say to the Empire itself.

Perhaps you may have noticed that I use the word Empire here this afternoon with more ease, shall I say, than ever before in my life—(applause)—and that is because I have no fear of that Empire any longer; and the reason why I have no fear of that Empire any longer is because of what has been done and achieved by the Imperial Conference. (Hear, hear.)

*A DEFINITE CLEARNESS.**Empire Under the Microscope.*

The Imperial Conference has done this, gentlemen, which I consider to be the greatest work that has ever been done by any Imperial Conference—it has brought things to a definite clearness, and even the word Empire has not escaped the fate of being put under the microscope, and being analysed and properly defined and discriminated as to what it is and what it shall be in the future.

A Tremendous Service.

Because this has been done, proceeded the Prime Minister, I think you will feel, as everyone in South Africa will feel, that a tremendous service has been done to the cause of every Dominion, but especially to the cause of Empire. That I feel will be the common feeling of the whole of South Africa, if not to-day, within a very short time, when they come to realize what it is that is to be conveyed by that term.

Antagonist of Imperialism.

You must not think I am talking party politics, but in order to make things clear it is just as well that I should refer a little to the past. All my life I have been an antagonist of Imperialism and certainly a very lukewarm worshipper of the Empire. And no wonder! If I were asked to-day to do it, I could never consent to an organism, a State organism, which was to be a super-organism imposed as a super State authority above the sovereign will of the people of any of the Dominions. And the manner in which that Empire was represented to us in the past, namely, that the Empire should mean an authority to which the will of the people of the Dominions—yea, even the will of the people of Great Britain—should be subordinate, was such that I have always submitted that I cannot accept such a position, and I cannot approve of any Empire in that sense.

What has the Imperial Conference done? Among other things, it has declared that that conception of Empire shall never be what Empire will mean in the history of the British Empire in the future. It has declared most clearly that the will of every Dominion and each Dominion, as also the will of Great Britain, shall be the only dominant and ruling factor for any one of the seven nations composing the Empire.

Empire and Commonwealth.

The word "Empire" is used in that declaration which has been issued by the Imperial Conference, and it is said here that we are all autonomous nations within the Empire. You must also have noticed that all these autonomous nations are fully associated in the British Commonwealth of Nations. What is here meant by the British Empire? What is meant by the British Commonwealth of Nations? They are meant merely to serve as two terms, the latter to apply to all the self-governing members of the British Empire, that is to say, England and the six Dominions. The "British Empire" is the term to be applied to all those six, and including India and Rhodesia and other parts which are not self-governing parts of the Empire.

No Other Path.

In this sense I say again I have no longer the least fear of the term "British Empire," and, what is more, I maintain, and shall maintain, that for the Dominions, as for Great Britain, there is no other path along which the interests of each individual associated State, and the interests of them all, can be and will be better attended to and better safeguarded, than within that group. (Applause.)

IF THE EMPIRE IS TO REMAIN.

Each Free to Do What it Will.

It has been so often said that if you accept what General Hertzog proposes to want then the Empire will be disrupted. I have always maintained the very opposite, that if you want the Empire disrupted tell the Dominions and Great Britain that the will of the sovereign peoples of these various states is bound and defined by the will of any other institution. I don't care whether you call it Empire.

If you want that Empire to remain and to be really strong and based on the will of the people constituting that Empire, then let the people of that Empire understand that each of its members is free to do what it will. In other words, to quote the words of the Imperial Conference, "each member is master of his own destiny."

It is because I am so convinced that this is going to be accepted by every one of the Dominions, and that every man in South Africa—as well as in the other Dominions—is going to feel perfectly satisfied that he and his country are free, that I have always maintained that this is a solution which will be sought after, and I am only too glad to see that that solution has been adopted in every respect by the Imperial Conference. (Hear, hear.)

The Conference has achieved much. I have just pointed out that it has made clear what the word "Empire" means, and what "Empire" shall mean in the future, and then it has gained the goodwill and co-operation of the peoples of the Empire as it has never done before. (Hear, hear.) But it has also done something much more by clarifying the position.

Quarrels of the Past.

How many of our quarrels of the past have been quarrels as to what was and what was not? In fact I was entertained on board the steamer this morning by one of our journalists recounting to me how, immediately after the declaration of the Imperial Conference, you in South Africa started arguing as to what was and what was not, and that after fighting out one idea with a great deal of passion and to the satisfaction of nobody, another question was started as to what was and what was not.

But on all these points the Imperial Conference has given a very plain answer, and that—to my mind—is one of the greatest achievements that any conference can make. Even the question as to who is an Afrikaner and who is not an Afrikaner, can there be any question any more? After the Mayor has been so cruelly cut off from his own city, how can we possibly be so cruel as to look upon him as being any longer either an Englishman or a Londoner? (Laughter.) Then if the Mayor wants to go back and claim his freedom of the City of London, he may get it as I have got it in another form, but in substance he will never get it.

Cutting of Ties.

I am afraid that the decision of the Imperial Conference has been a decision cutting ties—not cutting the real tie, that real tie which can be relied upon, the tie of goodwill—no, the cutting of the fictitious tie of allegiance to a Power that has not been superior. I have never felt at times more bitterly than when they accused me of owing allegiance to the British Government. I have always protested, and protested most strongly, that I owe no allegiance to any other Government but my own.

In that decision of the Imperial Conference, in that declaration, I am afraid, we have all been cruelly cut off, and unless we are prepared to go back to become citizens and mere nationals of Great Britain, we shall remain citizens of South Africa. (Hear, hear.)

Now does that mean that we should have any the less attachment, any the less love and reverence, that is to say, those of us who are of English descent—that you should have any less love, any less reverence for that old country than you had before? Well, I know that if I were in your position my love would be none the less and my respect and reverence for that country would be none the less—no, it would be rather increased as the country who, through its free institutions and the commonsense exercised in those free institutions, could raise other young nations to the position in which we are and the other Dominions are, as free as the Motherland, and at the same time standing in the closest tie of affection.

FULLY RECONCILED TO THE EMPIRE.

South Africa First.

Don't take it that this is what I feel; no, I make no bones about it, I am no Englishman. You would laugh at me if I were to pose as an Englishman or a descendant even of an Englishman. Fortunately or unfortunately, I am in this position that for 200 years or more I would not be able to trace any ties between me and any other country except South Africa, and, therefore, what I say here is simply what I would feel if I were in your position, but I say this again, that it does not take away from us the duty that we owe to South Africa and that we owe to South Africa in the first place.

You see here again I am a good Nationalist—"South Africa first"—but you will forgive me if, even after having been so fully reconciled to the Empire and Imperialism, I can still remain a good South African.

And that is exactly what we as South Africans will have to do. Unless we can, recognizing the worth of the Empire as an association of free States to which we are bound by nothing else but our free will—that is the free sovereign will of the people to whom we belong—unless we can all feel towards that Empire that it is to our benefit that we should remain a member of it, co-operate with it, but at the same time be ourselves as a free South African nation—unless we can do that, I am afraid we have not yet reached to the stage when we can say that we are sons of South Africa, desiring, in the first place, to do the will of South Africa.

BRITAIN'S RENUNCIATION.

Dominions on Perfect Equality.

Well, all this has been brought about and effected by the decision arrived at by the Imperial Conference; and I am not going any further here this afternoon.

This is all I want to bring out here, namely, that the decision of the Imperial Conference means much—it means the definite, final renunciation by Great Britain—by the Government of Great Britain—of any claim to privilege or superiority over any of the Dominions, in the first place.

It means, in the second place, that we are an absolutely free people, a free nation, to exercise our will as we might, and as we may think best in our interests in the future; and it has by its decision made it clear to us why it is no longer necessary to quibble about whether we shall remain in the Empire, or whether we shall secede from the Empire or not.

That is a question which we shall have to decide according to the dictates of the interests of our country, and if those interests in the years to come were to show it would be best, then it is not for you or me to say it shall not be done; in other words, we can leave that to the future. As long as we know that we have the freedom that is necessary we have the freedom to declare what is in the interests of South Africa.

D. 228/27

No. 143.

IRISH FREE STATE.

EXTRACTS FROM DAIL DEBATES OF 15TH AND 16TH DECEMBER, 1925.

THE IMPERIAL CONFERENCE.

15th December.

DEBATE ON THE ADJOURNMENT.—THE IMPERIAL CONFERENCE.

THE PRESIDENT: I move the adjournment of the Dáil until to-morrow.

MINISTER FOR EXTERNAL AFFAIRS (Mr. Fitzgerald): Speaking on the Imperial Conference, I speak on the assumption that, as a summary of proceedings has been circulated, Deputies have either read it or have it before them. The Imperial Conference, which has just ended its labours in London, consisted of representatives from all the States of the Commonwealth, together with representatives of India.

The Conference has for some years become triennial; it has no powers delegated to it from any of the peoples or governments in the Commonwealth. It has none of the attributes of a supreme federal council, and it does not claim to have them. It is simply a meeting of the representatives of the independent governments of the Commonwealth for the purpose of conferring together and endeavouring to discover the most effective means of furthering the interests of each member of the group and of the group as a whole. With this end in view, it formulates certain conclusions, the acceptance or rejection of which depends on the will of the governments. These conclusions do not essentially affect the status of the members of the Commonwealth, which is based in its broader aspects on the fundamental and now completely accepted constitutional principle of absolute co-equality. But speaking in particular of the conclusions of the Inter-Imperial Relations Committee, they are intended to make clear the implications of co-equality and to prepare the way for the gradual elimination of legal machinery and administrative practices which are not in conformity with that principle.

This Conference has given more time and attention to this question of the elucidation of status than any conference which preceded it, and, I have no doubt, it will be regarded by historians as marking a definite step forward in the development of the individual States of the Commonwealth as distinct political entities in the general society of nations.

Before entering into a detailed explanation of the Inter-Imperial Relations Report, it is well to review for a moment our own position in the world as a nation. These conclusions from the very nature of the bonds which bind civilized nations together, must affect to a greater or less degree not only our own State and all the States of the Commonwealth, but the whole body of States constituting civilized society, and that is the perspective in which we should examine our individual position. Our country, considered as a unit, is amongst the smallest in Europe, but it has made a greater racial contribution to the building up of the great new countries of the world than any of our neighbours, with the exception of Great Britain. That factor gives to our country, considered by itself, a degree of influence which in modern international life should be a powerful force for increased prestige and prosperity if we have the vision and the determination to make use of it. But apart from this we must remember that modern conditions of international life make it incumbent on every country to enter into treaties and agreements with its neighbours, to make certain concessions to them, to waive certain rights in the interests of its commercial or political well-being, or even existence. The mutual waiving of rights is guided by—and is a recognition of—community of interest. The League of Nations, as its machinery and institutions develop, may obtain such tangible recognition of the community of interest and interdependence of all countries as will give sufficient guarantees for the elimination of war, the political and commercial integrity of its members, and make any other group arrangement unnecessary. But it would be foolish to imagine that the system of group association, whether engendered by geographical propinquity or by other ties, can cease to operate within any period susceptible of being estimated, even approximately, by our generation. No political regime in this country could ignore those agencies and remain isolated without substantial injury to this country. Adherence to a group involves acceptance of obligations arising from the community of interests or the historical factors which brought about its formation.

Our State is a member of the British Commonwealth. But if we were not so declared to be by the Treaty of 1921, I think it is pretty certain that we should adhere to some group. And I am satisfied that geographical and other conditions, the natural flow of our commerce and many other agencies at present existing, would lead us to association with our nearest neighbour, Great Britain, and with the Commonwealth of which she is a member.

I would ask Deputies to bear in mind that the report before them is not that of a conference bringing the British Commonwealth group into existence, but a report such as might be agreed to by the representatives of the various Governments already forming that group, for the elucidation and possible improvement of their system of co-operative working.

In my statement made here on 3rd June I referred to existing anomalies which I hoped would be to some extent remedied by the deliberations of the Imperial Conference. They were anomalies because there was a recognized principle with which they were incompatible. That principle is set out on page 13 of the Report before you, viz.: They are autonomous communities within the British Empire, equal in

status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations.

The King is at once the symbol of that association and of that autonomy. The functions incident to kingship constitute the sole operative constitutional element in the maintenance of the association. The kingly function is to reign, not to govern. He is a constitutional monarch. As such he acts solely upon the advice of the Government of each individual State in the affairs of that State.

But as I stated on 3rd June, the existing position being the result of growth, that principle was not yet fully operative. It has been one of the functions of my Department to note these anomalies as they come before us in practice.

Naturally we recognize that the common kingship created a relationship making for and necessitating harmony and co-operation between the Governments of the various States of the Commonwealth, a harmony and co-operation already eminently desirable because of the close economic and other interests actually existing between them.

These mutual interests necessitate certain mutual arrangements. The attitude of the Government is, and will remain, that those mutual arrangements should be dictated by that mutual interest and by that only. Forms and practices still existing merely as remnants from a time when the Government in Great Britain retained authority and power over the Dominions were not calculated to assist harmony and co-operation, but might at some future time be the cause of misunderstanding and friction and be actually dangerous to the necessary co-operation. They also could undoubtedly tend to mislead people at home and abroad. They should, therefore, be eliminated, not necessarily immediately or in haste, but certainly without needless delay.

If I may refer again to the statement made by me on Estimates here on 2nd and 3rd June last, Deputies may remember that I referred to anomalies under three headings. I said: "Under one heading is the office of the Governor-General. The office originally was that of a representative of the Colonial Office, as it was then. Although the Governor-General's office has evolved entirely from that, there are still existing certain anomalies reminiscent of it. I think these anomalies should be removed. Another thing is that although the equality of status is recognized, there has been, so far as I know, practically no exercise of extra-territorial powers. I think extra-territorial powers should be possessed and exercised, not merely by one member of the Commonwealth, but by all co-equal members of the Commonwealth. The third general heading is that it should be made clear, beyond any doubt, not only in principle but in every detail of implementation, that in so far as the work of the Government of any individual Dominion is concerned no one should have any say in regard to, or interfere with, or veto the work of that Dominion, except the Government of that Dominion."

We prepared memoranda on the various matters under those headings that had come to our notice.

Governor-General.—In this matter I would refer Deputies to page 15 of the Report:—

"The formal recognition of the Governor-General, as representing the King, to the complete exclusion of any functions hitherto exercised as representative of the British Government, entails certain adjustments in the system of communication and consultation between the Dominions and Great Britain and the Dominions *inter se*. Communications now will no longer be between the Governor-General and the British Government but between the Governments direct. But it is felt that a group of States so closely associated should at least have the same facilities for communicating their views to each other as normally exist between States having no particular bond between them. The normal system existing between States is an exchange of representatives. Details of such an arrangement are to be considered."

Extra-Territorial Powers.—I refer Deputies to page 16 of the Report, paragraph C, and to page 17, second and third paragraphs and paragraph marked II (a). It will be seen that this matter has been referred to a Committee to be set up consisting of experts from the various States of the Commonwealth. It will also be noted that in paragraph II (a) of Terms of Reference for Experts Committee is recognized the principle that each Dominion Parliament should have power to give extra-territorial operation to its legislation in all cases where such operation is ancillary to provision for the peace, order and good government of the Dominion.

Associated with this is the question of Merchant Shipping. I refer Deputies to (d) p. 17 and 18.

Merchant Shipping.—Sections 735 and 736 of the British Merchant Shipping Act, 1894, enact that no change in the provisions of the Act concerning emigrant ships and coastal trade can be made by dominion legislation unless such legislation is accompanied in the case of coastal trade by a suspension clause, and in both matters that such legislation can only receive operative effect on the publication in the Dominion of an order of the British Privy Council issued for that specific purpose. It will be seen that a Special Committee is also to be set up to consider this matter with a view to adapting legal machinery to constitutional principle.

Sole Right of a Dominion Government in the Affairs of that Dominion.—Firstly I refer to page 16 of the Report, paragraph (a). The practice there referred to of sending Acts to London and receiving the reply that "His Majesty will not be advised to exercise his powers of disallowance" did not exist as far as this State is concerned. Nevertheless, the existence of such a practice was dangerous and misleading. Although it had no relation to fact, it would undoubtedly convey the impression that the British Government retained the power to advise disallowance of all Acts passed by other Governments in the Commonwealth. Paragraph (b) on the same page raises the matter of reservation of Dominion legislation, with its implication that the British Government advises on that legislation. The statement at the bottom of page 16 that "it is recognised that it is the right of the Government of each Dominion to advise the Crown in all matters relating to its own affairs. Consequently, it would not be in accordance with constitutional practice for advice to be tendered to His Majesty by His Majesty's Government in Great Britain in any matter appertaining to the affairs of a Dominion against the view of the Government of that Dominion," puts on record the now incontestable fact that the veto on Acts by, and the reservation of Bills for the consideration of, any Minister outside this State no longer exists even in form or theory.

The qualifying clause: "Apart from provisions embodied in Constitutions or in specific statutes" has no application to the Saorstát. That qualification was made necessary by special cases: (1) arising from the desire of the people of a Dominion so expressed in a Constitution, as, for instance, in the case of a Federal Dominion whose people have chosen the method of reservation as a protection of the State Parliaments against the Federal Parliament; and (2) in the case of contractual engagements such as arise under the terms of the Colonial Stocks Act, 1900, by which a Dominion, as a guarantee to British lenders that their contractual rights will not be taken from them by Dominion legislation, gives to the British Government power to reserve legislation contrary to those contractual rights. The Committee of Experts to be set up, referred to on page 17, is to report upon such special cases and to make recommendations upon them. But, as I stated a while ago, none of these cases exist with regard to the Free State.

King's Title.—In the King's title the anomaly of the description of this State as part of a political unit which came to an end with the Treaty is to disappear. Measures to effect that change will be taken at an early date.

Appeals to the Privy Council.—In the past, appeals to the Judicial Committee of the British Privy Council were founded on the right to hear such appeals vested in the Privy Council by British statutes nearly a hundred years old. In the course of time this right has been attenuated by changes in the Acts and Constitutions of the Dominions until by constitutional evolution the right to hear appeals has been substituted by the right to appeal, vested in the various parts of the Commonwealth if they wish to make use of it. In other words, the statutory right of the British Privy Council to hear appeals from the Dominions has become the constitutional right of the Dominions, depending for its exercise on the will of the particular Dominion concerned. It was urged at the Conference that where changes in the existing system might raise issues in which other parts of the Commonwealth other than the one primarily affected were concerned, changes should be carried out only after consultation and discussion.

It will be seen that the Irish delegation, while not pressing for the immediate abolition of the practice of receiving appeals, maintained its right to bring up the matter again at the next Imperial Conference.

Another and very important aspect of the sole right of the Government of a Dominion in the affairs of that Dominion is its exercise in relation to foreign affairs in general. The infringement of that fundamental right has been more real in this sphere than in that of internal affairs. This was natural for a number of reasons:—

- (1) The control by Dominions of their external affairs is of recent growth;
- (2) The machinery used is so frequently the British Foreign Office and the British Diplomatic Agents;
- (3) The lack of general interest in this sphere of national life, arising from the detached attitude of the ordinary citizen until such time as his own or his nation's life or welfare are threatened.

I refer Deputies to page 21 in the section dealing with Procedure in relation to Treaties, paragraphs headed "Negotiations."

It may be stated, roughly, that the foreign affairs of every nation are of interest to every other nation. The proposals for consultation between the Governments of the Commonwealth reiterated from the Report of the Imperial Conference, 1923, are clearly desirable between States so much associated. The Treaty arrangements of the one may easily affect another, at least in passive obligations. It will be seen that no State can involve another in active obligations without their definite assent.

The general attitude of the Saorstát Government is that we should not be committed even to passive obligations except by your own definite act. It will be seen, therefore, that the second part of the last paragraph of this section applies to the Free State and not the first.

In the beginning of the preamble to the Treaty of Versailles the description "British Empire" is used alone when describing the parties between whom the Treaty is being made. The Dominions are enumerated only at the end of the preamble, in which the list of the plenipotentiaries is set out. The powers issued to the British plenipotentiaries were unlimited, and accordingly from the international point of view, could be regarded as covering the Dominions as well as Great Britain; the signature of the Dominions might be held to do nothing more than interpret or explain the scope of the British signature. To that extent it can be argued that the Dominions did not sign the Treaty of Versailles on a footing of equality with the other signatory States. Their signature was in a sense superfluous, and owing to the unlimited scope of the powers issued to the British plenipotentiaries they would have been deemed to be included without separate signature. This grave defect, raising serious doubts as to the independent status of the Dominions, persisted in varying forms in all League Conventions. The British Empire is, indeed, followed in these conventions at the beginning of the preamble by a list of the States of the Commonwealth taking part, but Great Britain is not set out separately. The British Empire delegate is the delegate appointed on the advice of the British Government, and his credentials give him unlimited powers. It, therefore, can also be argued with regard to these Conventions that the unlimited full power of the British plenipotentiary covers all the Dominion Governments, and their signature becomes merely an indication of their acceptance of a situation imposed on them by the British signatory. This view was considerably strengthened by the custom of indenting the names of the Dominions in the list of signatories under the signature of the British Empire plenipotentiaries.

The question of our status in League international treaties and conventions had been giving the Saorstát Government considerable anxiety, and they looked to the Imperial Conference as the most appropriate occasion for putting an end to the doubts and anomalies which were generally harmful to our prestige and particularly capable of injuring us in the League of Nations. I think that a careful reading of Section V of the Report will show that these difficulties have been very largely eliminated. The covering term, "British Empire," and the unlimited powers of the British plenipotentiaries disappear. Each State of the Commonwealth will now be represented exclusively by its own plenipotentiary appointed on its sole advice. The special relationship existing between the separate units of the Commonwealth will be symbolized by replacing the expression "British Empire" in the preamble, with its implications of federalism and one dominating government, by the King's title, to indicate the actual link between the States of the Commonwealth. Instead of one high contracting party primarily acting on behalf of the British Government, whose advice covered all the Dominions, we shall have a several high contracting party acting in a distinct capacity on behalf of each State of which he is King. This old system whereby the British signature was made in the name of the British Empire by a plenipotentiary whose powers, being unlimited, could be held to cover also the Dominions whose names were indented beneath, could only imply a federal empire with one supreme government, and was contrary to fact.

The new system gives exact expression to existing realities. There is a special bond between the States of the Commonwealth, consisting, not in a supreme governmental authority, but in a common King. The exact nature of the relationship

outside the common bond of the King is undefined, but it is naturally felt that League treaties and conventions cannot be taken as applying completely—as to all their articles—between them, as if there was no special relationship whatever. They accord to each other mutual privileges and mutual rights which might easily be disturbed if there was not a general understanding that these treaties and conventions apply amongst themselves only when special agreements are made between them for that purpose. No *inter se* clause will in future be inserted in League documents. Nothing on the face of any international instrument will leave room for any other interpretation of their special relationship than that they are under the same King acting in a several capacity. Henceforth also Great Britain will be set out in these international instruments on an equal footing with the other Commonwealth States, and the powers of her plenipotentiaries will be limited territorially in like manner with the powers of the other members of the group. That fundamental change in the interpretation and elucidation of status represents a considerable advance, and I wish to use this opportunity to pay a tribute to the moderation and fairness of mind with which the British delegates at the Conference accepted the definite formulation of this and other incidents of the basic principle of co-equality.

Ratification.—The act of ratification is the most important act connected with a Treaty. Unless otherwise specially provided, a Treaty becomes operative only in virtue of its ratification by the heads of the States concerned. In most modern States Parliament's approval is obtained for the act of ratification. References to ratification will be found under (a) and (b) of Section V. Two points are clearly set out:—

(1) That any question as to whether the nature of a Treaty is such that its ratification should be concurred in by all the States of the Commonwealth is a matter for discussion and agreement between the Governments, and

(2) That any Government which prefers not to concur in the ratification of a Treaty unless it has been signed by a plenipotentiary authorized to act on its behalf can advise the issue of full powers to a plenipotentiary so to act.

The act of ratification by the King in respect of the Saorstát can only be valid when he is formally advised to ratify by our Government.

Representation at International Conferences.—The same general principles govern representation at International Conferences. No obligations need be accepted without representation. If obligations are to be undertaken by the Saorstát, the Government will advise the issue of special full powers in respect of the Saorstát to its own or to a common plenipotentiary, according to the importance to this country of the questions at issue. The powers of each State of the Commonwealth, including Great Britain, will be geographically limited. The plenipotentiary of one State can only act for another on the issue of specific full powers for that purpose. When issues of serious importance to the Saorstát are likely to arise at international conferences summoned by a State external to the Commonwealth, I feel that it would generally be desirable for the Saorstát to be represented by a separate delegation. Our Government does not approve of the form of representation employed at the Washington Disarmament Conference of 1921, at which the British Representative held unlimited full powers, with the implication already explained. It can, therefore, only accept the methods of representation set out in the sub-paragraphs I and III of paragraph 2 of Section V, namely, representation through a common plenipotentiary and representation through separate delegations.

It may take some years to bring the functions of each State of the Commonwealth into complete harmony with the principle of co-equality. The British Representatives abroad and the British Foreign Office continue to act as the channel of communication with foreign countries for the Dominions until each has its own representatives in all countries with which it may have relations. The direct channel is, of course, already in use between the United States Government and the Saorstát Government. But, as I have pointed out, very important changes are set out in this Report to bring the position in regard to foreign affairs into harmony with the declaration of the beginning of the Report. The nature and extent of the responsibilities in foreign affairs of the individual States of the group, and the precise manner in which that responsibility is to be indicated, has been made clear. No one of them can be committed to active obligations without representation under full powers issued on the advice of its own Government, and even when the obligations are of a passive character, involving, for instance, a modification in the status of citizens of the Dominions in foreign countries, the Dominions concerned are free

to appoint a representative at the negotiations if they wish to do so. It should also be clearly stated that the extent to which a particular member of the Commonwealth is interested in and bound by any Treaty can be clearly set out in a statement attached to his signature. No doubt some of the Dominions will continue to regard the assumption of passive obligations in treaties which mainly concern Great Britain as a matter of no importance, but it seems to me that we should take a different view.

Issue of Exequaturs to Foreign Consuls.—Another important aspect of our international status has relation to the issue of exequaturs to foreign consuls. It has been the custom for the British Government to advise the King to issue their exequatur to foreign Consuls de Carrière appointed to the Dominions without previous consultation with the Dominions. The result of this procedure was to create an impression in the minds of foreign governments that the British Foreign Office was acting, not on a mandate from the Dominion Governments, but in its own right, in advising the issue of these exequaturs. So far as the foreign Government was concerned, the intervention of the Dominion Government as a sovereign state was completely obscured. Henceforth the exequatur will be issued on the advice of the Dominion Government alone. It will be countersigned by the appropriate Dominion Minister and will be handed to the foreign consul on his arrival in the Dominion for the purpose of exercising his functions.

MR. JOHNSON: By whom will it be issued?

MR. FITZGERALD: By the King.

MR. JOHNSON: Through which agency?

MR. FITZGERALD: The King is advised—in the case of the Irish Free State by the Government of the Irish Free State—to issue the exequatur for the Consul de Carrière from such a country. When that consul arrives in Dublin the appropriate Minister here will hand him his exequatur. Does that answer the question?

MR. JOHNSON: Oh, yes; it answers the question.

MR. FITZGERALD: *Special Questions: Article 36. Permanent Court:* It was considered opportune to discuss two questions relating to the Permanent Court of International Justice. One was the recognition of the jurisdiction of the Court as compulsory *ipso facto*, and without special agreement in relation to any other members of the League, accepting the same obligations. There was no undertaking and no agreement that any State of the Commonwealth should not recognise this compulsory jurisdiction any time it pleases, but before doing so the Government about to take action will discuss the matter with the other members of the Commonwealth. So far only twenty-two States members of the League have accepted the optional clause, and the majority of these States have limited their acceptance to a period of five years. The tendency amongst all States, including the Commonwealth States, is to favour the greatest possible extension of the method of arbitration, and it is exceedingly probable that as the European war becomes more remote and present causes of international suspicion more attenuated, there will be a general acceptance of the optional clause.

American Reservation.—The second question affecting the International Court was that of the adherence of the United States of America to the Protocol. It will be remembered that the United States Senate decided early this year to adhere to the Protocol, provided certain reservations were accepted by all the States which had accepted the Protocol. The reservations were generally to the following effect:

1. Adherence should not be taken to involve any legal relation on the part of the United States to the League of Nations, or the assumption of any obligations under the Treaty of Versailles.

2. The United States should be permitted through special representatives, on an equality with the members of the Assembly and the Council, to participate in any and all the proceedings of the Council or the Assembly for the election of judges to the Permanent Court.

3. The United States should pay a fair share of the expenses of the Court.

4. The United States should be free at any time to withdraw its adherence and the Protocol should not be amended without its consent.

5. The Court should not render any advisory opinion except publicly, after due notice to all States adhering to the Court, and it should not, without the consent of the United States, entertain any request for an advisory opinion on any point or question in which the United States has or claims an interest.

At the Conference held in September of all the members adhering to the Protocol, it was felt that the acceptance of these reservations, specially numbers four and five, would put the United States in a privileged position as regards the other signatory States. It was, therefore, generally agreed at the September Conference that a suggestion should be made to the United States Government that, in order to insure equality of treatment, a majority of not less than two-thirds of the signatory States should possess the corresponding right to withdraw their acceptance of the special conditions attached by the United States to its adherence to the second part of the fourth reservation and in the fifth reservation. In this way the *status quo ante* could be re-established if it were found that the arrangement agreed upon was not yielding satisfactory results. The acceptance of the presumption in the fifth reservation that the adoption of a request for an advisory opinion by the Assembly of the Council required a unanimous vote would make the ordinary operation of the Court exceedingly difficult. A note setting out these difficulties is being sent by all the signatory States to the Government of the United States. The Imperial Conference merely took note of the fact that all the Governments of the Commonwealth were in accord with the conclusions of the Special Conference in Geneva.

Locarno.—With regard to the Locarno Commitments, it will be noted that the Conference passed a resolution congratulating the British Government on the efforts it had made for securing the peace of Europe, culminating in the agreements of Locarno. The question of formal commitments to active obligations under the pact does not arise.

If I may speak of the Report in general: it will be noted that the principle of co-equality is stated and referred to frequently. The nations of the Commonwealth are declared to be "equal in status, in no way subordinate to one another in any aspect of their internal or external affairs." They are freely associated, and the link between them is the Crown. The method of attaining the unity that is necessary or desirable is "free co-operation." "But every Dominion is now, and must ever remain the sole judge of the nature and extent of its co-operation."

The *inter se* relations between Great Britain and the other States of the Commonwealth are based on the root principle of equality of status.

The link between those co-equal States is the King. He stands in the same relation to the other States of the Commonwealth as he does to Great Britain. The advice of the Government concerned will be the only effective basis for all his executive acts, whether internal or external. The British Commonwealth, as a whole, is perhaps the loosest federation of States known in history. From a single Federal State it has evolved to several States with a Monarchy several in its functions, each State complete master of its own destiny, anachronisms in legislation and constitution notwithstanding. In so far as these anachronisms exist, they exist as anomalies. Nothing can be deduced from them beyond their existence. They are expedients, and I think that all through the Report will be found a clear recognition of their temporariness. They remain merely until they are removed, according to the convenience of time and circumstances. The report proposes the removal of many of the most important, for example:—

The Governor-General ceases to have any of the functions or attributes of a representative of the British Government.

The British Government cease to imply a right to advise disallowance of our Acts.

Bills cannot be reserved for deliberation or decision by British Ministers.

The major anomalies in the exercise of our treaty-making powers are removed, including the unlimited full powers of British Plenipotentiaries.

Others, though their removal is not actually set down in the Report, are to be referred to committees of experts with a view to their removal. These include:—

British statutory provisions requiring reservation of Dominion legislation, or authorising the disallowance of such legislation;

The competence of Dominion legislatures to give their legislation extra-territorial operation;

The principles embodied in the Colonial Laws Validity Act, 1865; and

Existing statutes affecting merchant shipping and naturalization.

To recapitulate: The work of the Imperial Conference is, so far as foreign affairs and intra-Commonwealth relations are concerned, has been largely a work of clarification and elucidation. Absolute co-equality of status has been definitely formulated. It now remains to adapt the machinery of legislation and administrative practice to that principle. That adaption can take place very soon in most

matters. Our relations with foreign countries will for some time be largely carried on through the British Foreign Office and its representatives abroad acting as mandatories. Consuls will gradually be appointed to foreign countries as the need arises, and through them, as well as through the Consuls-General here, most of our routine business can be carried on. It cannot be said that all our difficulties incidental to status have been solved. Time and experience will probably emphasise the importance of others which may now appear trivial. But, nevertheless, as far as matters affecting our status taken as a whole are concerned, this Imperial Conference has given eminently satisfactory results. I feel that this is an opportunity which I must avail of to pay a tribute to the friendly spirit animating all the delegates at the Conference towards the Irish Free State. Difficulties were discussed and met in the most friendly spirit by all without exception, and I firmly believe that the better understanding arising from these friendly discussions will produce the best possible results on our future relations with all the members of the Commonwealth and indirectly on our own commercial prosperity and political well-being.

16th December.

MINISTER FOR JUSTICE (Mr. O'Higgins): One would think by the tone of Deputy Baxter's contribution, and perhaps to some extent by the tone of others, that the purpose for which we went to London was to negotiate a treaty with the British Government. That, of course, was not the purpose. The Treaty was negotiated five years ago, and at the outset of the few brief remarks I have to make it may be well to refer Deputies to some articles of that Treaty. The first is this:—

"Ireland shall have the same constitutional status in the community of nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace, order and good government of Ireland, and an executive responsible to that Parliament, and shall be styled and known as the Irish Free State."

The second is this:—

"Subject to the provisions hereinafter set out, the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern the relationship to the Irish Free State."

Deputy Baxter says he is not satisfied with the results. After long study of Deputy Baxter in the Dáil I am not surprised at that. I think it would be a task of extreme magnitude to secure results that would be satisfactory to Deputy Baxter, or that would banish, even temporarily, his settled melancholy. He is not satisfied with the results. He apparently is under the illusion that we went to London recently to negotiate and conclude a treaty with Great Britain. I venture to point out that we did not, that the Treaty was made five years ago, and that we went to London as representatives of the Government of the State which is based upon that Treaty of five years ago.

Deputy Magennis reminded us that the Treaty was signed under duress. If that is so, many treaties, almost all treaties, are signed under duress. I shall not go into the question now how much there is in the statement that that particular Treaty was signed under duress. I shall not go even into the question of whether or not there was any degree of duress on the British signatories, whether or not it embodied their *summum bonum*, their ideal conception of Anglo-Irish relations. We can leave that on one side. The Treaty was signed, whether under duress on the one side or under duress on both sides, we need not pause to haggle about; it was signed; it was placed before the Dáil; it was approved by a majority of seven, and this State is based upon it. That is all truism. It is the kind of truism which it seems necessary to repeat to the Dáil, and which ought not to be necessary.

What precisely did we go to London for if not to negotiate and conclude a treaty? We went to take part in this triennial Conference between the governments of a group of States of which we are one. Before going, we indicated, in broad outline at any rate, the matters which we proposed to raise there as the representatives of this State and of its people. From time to time throughout the last three or four years matters have come under notice in the constitutional mechanism of this community of nations, in the constitutional practice which, to us, appear

incompatible with the conception of complete co-equality of status. These matters were noted for reference, noted for attention at just such an occasion as offered in this Imperial Conference. Anything, everything, that to us appeared to conflict with the conception of the fullest co-equality of status was raised by us in that Conference. I make this offer to Deputies, that if they, from their study of the constitutional mechanism of this community of nations known as the British Empire, can direct our attention to other matters, those will be attended to, whether at an Imperial Conference or by direct representation to the British Government. By one or the other course at any rate those matters will have attention. The matters raised by us at the Imperial Conference were exhaustive of the points of practice, the points of constitutional machinery, which struck us as being in conflict with the conception of co-equal status, and they are set out in this Report.

They were dealt with in detail at the Inter-Imperial Relations Committee, presided over by Lord Balfour: not all have been dealt with to a conclusion. Some, for what seemed a good and sufficient reason, have been left over for a fuller examination by a committee which is to be set up in the near future. But many of the matters have been dealt with to a conclusion, and dealt with to a conclusion satisfactory to those who raised them. Now, I do not complain overmuch of the state of mind revealed in the speeches, particularly in the speeches of Deputy Magennis and Deputy Baxter. One has to remember the antecedents of our whole position: one has to remember that for very many centuries we were an unfree people, and that we have borne the fetters so long, they have eaten so deep, that even when they are struck off there are those amongst us, believing or professing to believe, that they are still there: those amongst us who cannot realise their freedom and are unable to raise their heads and look their fellow man in the face, and say we are a free people. The whine of the slave was in those two speeches.

MR. BAXTER: And we are not able to sing "God save the King."

MR. O'HIGGINS: I would like to hear the Deputy singing anything if only to show there was that much heart in him. "A group of self-governing communities composed of Great Britain and the Dominions," and then follows the declaration "they are autonomous communities within the British Empire equal in status in no way subordinate one to another in any aspect of their domestic or external affairs." Deputy Magennis is not satisfied. I am not surprised. I do not think Deputy Magennis would be satisfied with even an entirely different status, an entirely different form of Government. I think Deputy Magennis would be dissatisfied, profoundly dissatisfied, with a republic, except on the conditions that he were president of that republic. In a speech which it might be unkind, perhaps, to describe as lingering sourness long drawn out, he analysed, or attempted to analyse, this report and by every device of which he is master, of misrepresentation and distortion, he attempted to show that we had been, so to speak, busily engaged for six weeks in London riveting fetters on the limbs of our unfortunate country, and Deputy Baxter shook his head and said he was afraid that was so.

MR. BAXTER: I was afraid that you were not taking them off.

MR. O'HIGGINS: There is a fair offer made to Deputy Baxter: if he can point to matters of constitutional practice which, in his opinion, conflict with co-equality of status he should do so.

MR. BAXTER: Of sovereign status is it?

MR. O'HIGGINS: Within the limits of that Treaty.

MR. BAXTER: Will the Minister answer my point. Is it sovereign status?

MR. O'HIGGINS: Within the limits of this Treaty which, after all, does constitute the limitations under which we went to work. If the Deputy can point to any matters of practice, of usage, or anything in the constitutional mechanism of this community of nations of which we form one that conflict with the conception of the fullest co-equality let him name them.

PROFESSOR MAGENNIS: Lord Balfour named them at the foot of the page from which you have quoted.

MR. O'HIGGINS: Listening to parts of Deputy Magennis's speech I formed the impression that he was under the illusion that the day before this Conference began Ireland was a single political entity and that the day on which it ended it was two political entities. Now the position with regard to the relations between the Irish Free State—

PROFESSOR MAGENNIS: On a point of order, the Minister charges me with using all the devices of misrepresentation and distortion. Lest he should incur that charge or be guilty of it would he quote the passage in which I used such a grotesque phrase

that is, that the day before this Conference opened Ireland was a political entity. He knows I charge him and his colleagues with making it cease to be a political entity last December.

THE PRESIDENT: What did you say in December, 1922? You are responsible for it, and you are on record.

AN CEANN COMHAIRLE: Perhaps there is too much on record. It would be better if the Minister for Justice were allowed to proceed.

THE PRESIDENT: Too much for him.

PROFESSOR MAGENNIS: At an earlier stage of the debate when you, sir, were not present I yielded to the Minister for External Affairs a considerable space in which to accuse me of misrepresentation. I am now accused of misrepresentation once more. I think the passage ought to be given in which I stated that, the day before this precious Conference began, Ireland was a political entity and that the day after it had ceased to be. I say that is a grotesque misrepresentation of anything that I did say.

MR. O'HIGGINS: No one knows quite so well as the Deputy that I was not purporting to quote. I could not quote him. I am afraid I have not got his speech off by heart, and as I have not got the records of the last hour and a half of it to hand I could not quote even if I wanted to. I did say that listening to portions of his speech one would form the impression that the day before the Conference began this country was a single political entity, and that by the time we had finished our work it had become something different.

MR. BAXTER: When you put your hands to it.

MR. O'HIGGINS: The Deputy knows and Deputy Baxter knows, that that is not the position: that the relations between the Irish Free State and Northern Ireland remain unaffected by anything that happened at the Imperial Conference. They are as they were before that Conference. Deputy Magennis referred to the change in the King's title. The change in the King's title is simply something that is now decided, and that has been overdue for a considerable time—that might have been done and perhaps should have been done any time after the establishment of the Irish Free State. It was convenient to consider the matter at the Imperial Conference. With regard to the position of the Governor-General, that is one of the anomalies and anachronisms to which general reference was made prior to the Imperial Conference. The Governor-General dated back to the Colonial phase in the development of the Dominions, retaining, not in fact or in reality, but in form, something of the complexion of being not merely an emanation of the King, but of being to some extent an emanation of a British Minister and a British Department of State. Attention being drawn to that fact, that state of affairs will no longer continue. Paragraph C of the Report of this Inter-Imperial Relations Committee covers the ground of portion of dominion legislation, and sets out in that portion of the report some of the matters which will be further investigated by the special committee which is to be established. The terms of reference of that Committee are given on page 17 of the Report:—

To inquire into, report upon and make recommendations concerning: existing statutory provisions requiring reservation of Dominion legislation for the assent of His Majesty or authorising the disallowance of such legislation.

The present position as to the competence of Dominion Parliaments to give their legislation extra territorial operation.

The practicability and most convenient method of giving effect to the principle that each Dominion Parliament should have power to give extra territorial operation to its legislation.

The principles embodied in or underlying the Colonial Laws Validity Act,

and so on. At the bottom of page 16 of the Report you have the statement that "it should be placed on record that, apart from provisions embodied in Constitutions or in specific statutes expressly providing for reservation, it is recognised that it is the right of the Government of each Dominion to advise the Crown in all matters relating to its own affairs. Consequently, it would not be in accordance with constitutional practice for advice to be tendered to His Majesty by His Majesty's Government in Great Britain in any matter appertaining to the affairs of a Dominion against the views of the Government of that Dominion."

We were told, from time to time, by critics of the established State and of the Treaty on which it is based, that the King, throughout our Constitution meant, in fact, the British Government. The Governor-General was depicted as a person with one ear to the telephone taking down the instructions of Whitehall to be conveyed to Merrion Street. The King never meant the British Government or any British Minister, but even in form, even under these shreds of constitutional fiction dating back to the Colonial phase of the development of the Dominions, whatever shred of justification there was for that assertion has now to go, and these seven States, composing the British Commonwealth of Nations, stand in form and in fact, and in reality, on a footing of most complete equality of status. That is a fact which has been realised in all of the Dominions: has been realised in South Africa and in Canada, and that I believe is realised here despite the indications to the contrary in the speeches of Deputy Magennis and Deputy Baxter.

MINISTER FOR EXTERNAL AFFAIRS (Mr. Fitzgerald): I think actually that most of the points that have been raised here were covered by my statement yesterday. As the Minister for Justice has said, we did not go there to scrap the Treaty or to change it. We went there to bring practice in form with the Constitutional position. Clause II of the Treaty says:—

"Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern the relationship to the Irish Free State."

Deputy Magennis quoted, again and again, the co-equality referred to in Clause I of the Treaty. We are governed by practice, and when I stated in my report that I considered this eminently satisfactory it was because it had modified the practice, bringing it more in accord with co-equality. I have not stated that there is anything established in the absolute, but merely that there is a transition from a position which had been fairly good, to a position which is much better. Deputy Magennis constantly conveyed the impression that this report establishes what he calls separation. He challenged the Minister for Justice to show that he had said that. The Deputy refuted my statement that a certain Treaty procedure was an exact presentation of existing realities. As far as I could judge, I may have been wrong, but I gathered that he found the non-exactness of that representation in the putting of Northern Ireland, not with the Irish Free State, but with Great Britain, and he also stated—I speak from listening to him in a rather casual way—that Ireland entered the League of Nations, and suggested that we had changed our status. The suggestion was that the Free State is now in the League of Nations, whereas before Ireland was in the League of Nations.

PROFESSOR MAGENNIS: I repudiate that statement. It is bad enough to have the Minister not aware, as he showed earlier, of what was in the document, but if he is not able to quote an opponent's statement he should not profess to quote it. If he gives his own imagination, the House will accept it as such.

MR. FITZGERALD: I stated it merely as an impression. I think the Deputy introduced the difference between the way Ireland entered the League of Nations and the way she is now. I think that difference had some reference to the question of partition.

DEPUTY MAGENNIS: No. Deputy Johnson and I made it clear to an ordinary intelligence that the character of representation in the League of Nations is wholly at variance with the kind of empire to which the Minister for Justice sets his hand in this report. I contend that is a very different statement from that which the Minister professes to quote for me.

MR. FITZGERALD: I was only dealing with that case because I was afraid the Deputy's statement might convey a wrong impression to people outside. As I have the Deputy's assistance in correcting that impression, and if by any chance there might be people outside like myself who might have got that impression, I am glad to have it cleared up. At the same time I contest that statement. I will now deal with Deputy Johnson's statement. The Deputy in one part of his statement said I allowed myself to think of this country as being in the same position as New Zealand believed herself to be in. That is not so. Although Deputy Magennis seems to think I am a much ill-used person, I think both he and Deputy Johnson may take me

as as good an interpreter of the constitutional position of this country as the Ministers of any other Dominion. Deputy Johnson quoted Professor Berriedale Keith—I am rather glad he did so because it happens to clear that matter up:—

"In political matters proper there has been no attempt to obtain separate powers of adherence or withdrawal for the Dominions, and it is clear that such an attempt would be meaningless. It is impossible so long as the Empire retains any unity for one part to be treated in political questions differently from another part, and the separate adherence to and withdrawal from treaties is only possible as in commercial treaties where differentiation of treatment could be based on difference of locality."

The discontinuance of a system of issuing unlimited powers to the British plenipotentiaries, I maintain, entirely defeats the position as indicated there by Professor Berriedale Keith and represents one of the eminently satisfactory results which I consider this Report indicates.

Deputy Johnson quoted the League of Nations Act, and I think that Deputy Johnson and Deputy Magennis are rather at sea in this matter. We entered the League of Nations as a fully self-governing State, and that is not incompatible with the term "Dominion" as now used. These two terms are not contradictory; they are not incompatible. In the Covenant the words "State" and "Dominion" are used. That does not imply a watertight distinction between the two. The use of the term "State" does not conceal "Dominion status." On the entry of the Saorstát into the League, the Sixth Committee noted in its Report to the Assembly that the Saorstát was a Dominion forming part of the British Empire upon the same conditions as the other Dominions already members of the League. Deputy Johnson said:—

"I wonder does the Minister contend that the position of the Irish Free State in the League is in the same way subordinate as that of, say, New Zealand because of the fact that New Zealand went in under the cover, if I may say so, of the British Empire."

The Deputy is aware we inherited the practice of Canada, which was to be included in all League instruments indented under the British Empire, and with a tangible unity among them that was effected by the unlimited full power of the British plenipotentiary. That was the position implying subordination and possibly capable of an interpretation prejudicial to the whole position of the Saorstát, a position certainly capable of an interpretation of inequality with Great Britain. That is a position which is now changed. Equality of status has reached its full development.

The Deputy asked did we look for anything beyond that position. There is now full recognition of equality of status, although there is not full implementation. I have not stated there is. That does not imply any last word or any impossibility of changing the present position as time and circumstances may permit.

There was one point that exercised the minds of Deputy Johnson and Deputy Magennis, and I will try to make it clear. The word "active" in front of "obligations" in the section headed "Negotiation" was referred to by them. They make deductions from the insertion of that word this year as differing from its use in 1923. Deputy Johnson quotes paragraph 3:—

"When a Government has received information of the intention of any other Government to conduct negotiations, it is incumbent upon it to indicate its attitude with reasonable promptitude."

He points out that the British Government, having informed us that it is negotiating for a treaty, it may assume its policy is generally acceptable unless it hears from us to the contrary, provided we are not involved in active obligations. He has mis-read the position. The exchange of information may be called a courtesy arrangement, and in a general way it exists among all world powers and powers with close geographical and other interests. The word "active" is inserted before the word "obligations" in the interests of clarity.

I said in my statement yesterday any treaty made by any State may be held to impose possible obligations on other States. Even to a greater degree is that true of States so closely associated as members of the British Commonwealth. Recognition of the state of affairs brought into being by a treaty is an obligation incumbent on the whole community of States. The British Government might empower a plenipotentiary to act on its behalf but not on our behalf, in order to conclude a treaty declaring a closed season for fishing in certain waters. They notify us that they propose to do a certain thing. If we do not reply they are justified in assuming we have no objection. On the other hand, we might write saying that Irish fishermen

ished in those waters. They might abandon the treaty or decide that the interests they had in mind in making the treaty justified them in going ahead with it.

Or to take another case, more real to the Dominion position, the British Government might enter into negotiations with China with a view to nullifying or modifying treaties which gave rights not merely to English citizens, but to Canadian, Irish and other citizens. The annulling or modification of these treaties necessarily affects the status of our nationals in China. They notify us of the negotiations. If they do not hear from us they presume we do not consider the obligation as important or that we are nationally involved. On the other hand, we might notify them that we considered the matter of such importance that we wished to participate in negotiations and that we proposed to appoint a plenipotentiary to act on our behalf. It does not imply that all negotiations that we do not demur from we are parties to them. We cannot be party to any negotiation or treaty except by the act of a plenipotentiary appointed on the advice of this Government. The distinction between "obligations" and "active obligations" was necessary in order to make it clear that the general assumption with regard to passive obligations is more obviously justified in the relations of the Commonwealth States *inter se*.

MR. JOHNSON: Will the Minister meet the point that would arise supposing there was deprecation of the arrangements, let us say, between Great Britain and Italy in regard to the sphere of influence in Abyssinia. The Ministers here are advised of such a proposal. Is there any obligation imposed on our Ministry to accept or demur or to keep silent? If they know of such a proposal and no attention whatever is paid to it, is there not an assumption that the Government of Italy, for instance, would believe that we, too, are participants in that contract?

MR. FITZGERALD: I do not see how they could. The negotiator acts on behalf, and has power to act solely on behalf, of the British Government with powers covering merely the extent of area of their jurisdiction.

MR. JOHNSON: May I point out these actions will not be actions of plenipotentiaries but actions of governments, presumably; that is to say, there is no formal treaty. Is it proposed that the Dominions are formally to make known to the powers that this new position has been created?

MR. FITZGERALD: It is not entirely a new position. The position that the Deputy is dealing with really existed before.

MR. JOHNSON: Can the Minister give any evidence that any power not British has acknowledged and recognized that the position existed hitherto?

MR. FITZGERALD: One might say so. The Treaty of Locarno, Clause 9, made it perfectly clear that Sir Austen Chamberlain was not acting with a mandate from us.

MR. JOHNSON: What was the real point in making the particular footnote saying in these things the Dominions are not obliged to concur?

MR. FITZGERALD: I have tried to stress that, which I think is a very important point. It was necessary there because of this habit existing prior to this date of the issue of unlimited full powers to the British plenipotentiary. These powers were issued and they have always been issued and that was the practice we have inherited. Unless that were put in, the powers covered all parts of the King's realm.

MR. JOHNSON: Will the Minister go further and tell us whether it is proposed to alter the document that the Ambassador in Rome or Berlin has at present, which is a full power to act on behalf of the British Empire?

MR. FITZGERALD: The Ambassador in these places acts for us in his normal capacity. As regards his normal capacity here, I have a note here on that point. Deputy Johnson deduces from the system of consultation from the use of the British Foreign Office and from the frequent reference to the British Empire that we are committed to all actions of the British Government in foreign affairs unless we specifically dissociate ourselves. That is a misinterpretation. The British Ambassadors act as mandatories for us in the exercise of their normal functions. Their normal functions are the protection of nationals. They act for us otherwise only in so far as they are empowered to do so expressly by this Government.

MR. JOHNSON: I think this matter is very important. Will the Minister say whether the position of a British Ambassador in a foreign capital was such as to enable him hitherto to speak on behalf of the Government of the British Empire? That is to say, the King as representing these Governments—is that position changed and is any notification to be made that the position is changed?

MR. BAXTER: Let us suppose the signing of a new treaty takes place. Suppose we are not prepared to acquiesce, will that treaty also contain a footnote similar to the one retained in the Locarno Pact?

MR. FITZGERALD: There will be no need for Clause 9 in future. I think Deputy Johnson puts that question. There was, as far as I know, during our time no British Ambassador with extra-normal functions. The Deputy refers to negotiations between England and Italy with regard to Abyssinia. I hold and presume, and am satisfied that we are in no way included in this. If we are sent a notification, what would happen is, that we might be interested and we might see we had a particular lot of Irish nationals in Abyssinia that it was intended to put under the Italian sphere of influence, and we would suggest that we should be parties to this treaty, and that these nationals should be included in the British sphere and the Italian sphere. If we had no actual interest there we would not participate, and we would not share responsibility.

MR. JOHNSON: Do we not come right up against the question of belligerency? Supposing that negotiations between England and Italy led to warfare, would Italy recognize that we are not participants—that we are neutrals?

MR. FITZGERALD: The Deputy knows that is a particularly difficult thing to answer. It is a matter that I cannot possibly give a straight answer to now. Inasmuch as the only Government empowered to advise the King on affairs of this State is this Government, and as it is pre-eminently an affair of this State whether we will be at peace or war, presumably the King cannot declare war on behalf of us except on the advice of this Government. We know that on these occasions legal forms go by the board, and so far as I can interpret it, it would mean on strictly theoretical constitutional lines that the King could only declare war when he had simultaneous unanimous advice to that effect from all the Governments. That would be the constitutional position.

We may as well face facts. We know war usually comes with a rush, and people do not consider the niceties of constitutional practice. Great Britain, for instance, might advise the King to declare war on Italy, and then there would be a discussion, the nature of which at the moment I could not outline. One might say, first of all, that the King's subjects are at war when he is at war, and therefore Ireland is at war; and someone else might say that the King has no authority to declare war on behalf of this country when he has no advice from our Government, and therefore we are not at war. I cannot go any further now.

MR. JOHNSON: Can the Minister say whether there has been any understanding that this new position is going to be made a subject of discussion and negotiation with non-British powers with a view to their recognition of our immunity from war until our Government, through ordinary agencies, declares war or commits a belligerent act?

MR. FITZGERALD: I cannot say that. Inasmuch as the British plenipotentiary acting in any of these cases has the terms of his full powers clearly defined according to the geographical area of his Government's jurisdiction, we are excluded that much more than we were before, and we are to that extent, presumably, more in the direction Deputy Johnson wishes to go than we were before. There is that much of an advance.

Both Deputies Johnson and Magennis seem to gather from the reference to functions at the bottom of the early part of the report that there is such a thing as diplomatic unity. The whole trend of their discussion was on that point. Deputy Johnson says government is function. Yes, but all function is not government. I refer to a case of function there. The British Ambassador in any capital, let us say in Vienna or Madrid, acts as our mandatory in his normal functions. In that way the British Government, who sent him and pay his way, exceed in function our function. They are not in any way usurping the right of our Government. Their man acts as our mandatory. If all function is government, as Deputy Johnson implies, then you might say that the British Consul in Singapore is the real government, and not the British Government. On the contrary, he acts as their agent, and we can also mandate him, and, as we are on such close terms with the British Government, we let him act as our mandatory to serve our nationals in that area. Their normal functions are the protection of nationals.

Both Deputies seem to have gathered that there is diplomatic unity. There cannot be diplomatic unity when there are a number of different Governments advising, and when their advice in any one specific matter may be divergent. The Deputy referred to this as the kernel of the whole matter. He has in the document before him almost all the assurance he requires. The document, to my mind, represents quite clearly a step in the direction he desires. He has it clearly laid down that in the affairs of this State no Government but our own can advise. He has it

also clearly laid down that the full powers issued by the British Government to their negotiators will be limited to the area of jurisdiction of that Government.

Now, with regard to exequaturs, Deputy Johnson asks where is the advance in the new practice. The advance is that the exequatur is now issued on the advice of Irish Ministers, and is received by the foreign representative from the Irish Minister. Against this, he urges that the application is made by the Irish Government to the Foreign Office in London. The application is made through diplomatic channels. It happens so far that whereas there are foreign Ministers in London there are none in Dublin, and the only channel for application so far is in London.

When one argues about this report and complains that it does not make Ireland a republic, complains that the King is there and so on, and that the Treaty position is still the Treaty position, even if a bit better, that there is retrogression rather than advance—

PROFESSOR MAGENNIS: Would the Minister say which of the three of us who spoke uttered that idiotic comment which he attributes to some one of us?

MR. FITZGERALD: It was a synthetic answer. Deputy Magennis was very much concerned that my name did not figure as prominently in the report as that of the Minister for Justice. He very generously seeks to exculpate me from guilt in the matter. As a matter of fact, I shared in the drafting of a large and important section of it, and I take full responsibility. Deputy Magennis said that the Imperial Conference is a super-Cabinet. That is obviously and grotesquely incorrect.

PROFESSOR MAGENNIS: The grotesque remark comes not from me but from Sir Robert Borden.

MR. FITZGERALD: I would suggest to Deputies, without in any way wishing to give myself undue importance, that they might, at least, regard me as a slightly better guide in these matters than any of these distinguished statesmen who are studied with such assiduity.

THE PRESIDENT: Hear, hear. It is a pity you are an Irishman because an Irishman will not be quoted.

MR. FITZGERALD: Deputy Magennis constantly refers to the Imperial title. I suppose he means the title covering the whole of the King's realm.

PROFESSOR MAGENNIS: The Minister for External Affairs ought to know what is meant by the Imperial Crown.

AN CEANN COMHAIRLE: Is not the Minister for External Affairs explaining what he means by the words, and can he not be allowed to do so?

PROFESSOR MAGENNIS: On a point of explanation, when he attributes inaccuracy to me, I am entitled to ask him to point out where the inaccuracy lies.

AN CEANN COMHAIRLE: So much enthusiasm is displayed in pointing out inaccuracies on all sides that people are not really allowed to become inaccurate. The Minister must be allowed to continue and it can then be shown how inaccurate he is.

PROFESSOR MAGENNIS: Might I submit that the Minister has just now made a charge against three of us who spoke from these benches? He said that we used certain expressions which he quoted, but he refused to deal with them. I spoke of them as idiotic comments, and they are idiotic. When he attributes them to us he ought to have the courtesy to say to which of us he attributes them.

AN CEANN COMHAIRLE: I am going to allow this debate to continue beyond eleven o'clock. On this occasion there cannot obviously be exact quotation from speeches made on any side, but I have constantly to listen here to Deputies attributing meanings to speeches which, in my judgment, they did not bear at all. I have consistently refrained, and shall continue to do so, from interpreting what anybody has said. I cannot see how a debate can be conducted unless a speaker is allowed to say that a speaker on the other side has said so-and-so. It has constantly been done, and I do not know any way of getting out of it. When a speaker quotes he must quote accurately, but when he says "I gather this impression," he must be allowed to go on. From the point of view of Deputies who speak against Ministers and against the Government, it would be a serious thing if they could not be allowed to explain what they gathered from Ministers' speeches.

PROFESSOR MAGENNIS: I would not presume to argue with you for a moment, sir, but I submit that the Minister purported to quote exact words. He used the term "Republic." I never mentioned the word "Republic" from beginning to end, nor did Deputy Johnson nor Deputy Baxter, and we three alone spoke.

MR. JOHNSON: I did not imagine that the Minister was quoting.

MR. FITZGERALD: I do not think that anybody really did.

AN CEANN COMHAIRLE: I do not see anything objectionable in the word "Republic."

MR. FITZGERALD: Unfortunately, I am speaking immediately after certain impressions were conveyed to my mind. I do not think that my mind is quite so inexact as Deputy Magennis thinks. He said yesterday that I spoke about things being settled which were, in fact, referred to a committee for further discussion. I do not think I did. I said that certain matters were referred to a committee of experts. I did not in any way misrepresent the facts on that, whereas, on the other hand, we heard something a while ago about a unified navy, and so on. I am not aware that we share in a unified navy. At present we have not any sort of navy worth mentioning, but such as it is, it is all right. When the Deputy argues by insisting that common methods of training, etc., make a unified army and navy, I cannot follow him. I gather from the Deputy that he presumes that every time there is fighting going on our army and the other army will be on opposite sides. I do not think so. I think the whole tendency will be to keep this country at peace, and not to go to war with any country, much less go to war with our next-door neighbour, who is much stronger. Deputy Magennis spoke about treaties being signed by the King as misleading people abroad. The King does not sign treaties. They are signed by the plenipotentiaries representing their Governments.

PROFESSOR MAGENNIS: Appendix page 29: "His Majesty the King (here insert his Majesty's full title)".

MR. FITZGERALD: It is not a signature.

PROFESSOR MAGENNIS: It says here: "insert his full title."

MR. FITZGERALD: In 1924 there was a question of the Lausanne Treaty and a liquor treaty with America and there was a debate on the King's title here. One of the Deputies said that there was strong objection taken to the misrepresentation in the title, as it did not correspond with the fact, inasmuch as it spoke of the United Kingdom of Great Britain and Ireland. I may be thoroughly dishonest, I may be a blackguard and on on, but I would certainly consider myself such if I got up now and said that never until I saw this document was I aware that the King was described otherwise than "King of Ireland." There was a discussion here, and on the strength of that discussion I saw the then Prime Minister of England, and afterwards I told the House that I had his assurance that steps were being taken to change it. The steps were slow, but they have moved on since then and the title corresponds more now to the political fact than it did. The political entity here is the Irish Free State. Deputy Magennis undoubtedly talked about the signing of a treaty by His Majesty. At the bottom of it it says: "In faith whereof the above-named plenipotentiaries have signed the present treaty." The Deputy objects that his title used in treaties is given in full instead of his being given separately as "King of Ireland."

PROFESSOR MAGENNIS: I protest against this persistent misrepresentation. I never used such an expression. I said that I would test the position of Ireland by seeing how a treaty could be made. I never asked to have the King of Ireland make a treaty. I specifically said I would decide the status by this as a test. The Minister ought to understand clear English.

MR. FITZGERALD: I will put it to the other members of the House.

PROFESSOR MAGENNIS: The Minister will have it in the Official Report.

MR. FITZGERALD: Even now, the King has his full title. I thought the Deputy would prefer his partial title. The King is in the Constitution as part of the Oireachtas and as the Executive. The Deputy accepted that. When a treaty is made, in the King's name, it is on the advice of this Government, and the plenipotentiary acts as instructed by this Government. I was rather surprised that the Deputy so much wanted "the King of Ireland," as distinct from the rest of his realms, because one of the chief opponents to having the King separately King of Ireland was a man whom, I understood from the newspapers, Deputy Magennis was angling for as an ally—Mr. de Valera, the man who objected to it most. I understood from the newspapers that Deputy Magennis was assuring him that they had a common point of view on that. I was surprised that Mr. de Valera did not bite to the fly. Deputy Magennis went to the other extreme and was all for the King of Ireland. I am with the Deputy on that point of view. The partition of Ireland did not enter into the matter but, so far as I could gather in my stupidity, Deputy Magennis devoted almost all his conversation to the whole question of partition. Again he said:—

"It seems to me if, after the expiration of the month allowed to Northern Ireland to exercise its option, the decision be for partition, the responsibility for that in large measure should be understood by the people of Ireland to rest, and rest heavily, upon those men who have set out to devastate the country and to destroy the body of Ireland in order, as they allege, to save her soul."

AN CEANN COMHAIRLE: What is the Minister quoting from?

MR. FITZGERALD: From the Official Report.

THE PRESIDENT: November, 1922.

PROFESSOR MAGENNIS: Before this Minister turned partition into separation.

THE PRESIDENT: "Responsibility for partition"—your own words.

PROFESSOR MAGENNIS: "Partition" before and after the Cosgrave "partition and separation."

MR. FITZGERALD: I take it that the second partition must have been simply supererogatory. Deputy Baxter wonders if we took any action about the "Defender of the Faith." That title, I presume, was given to an ancestor of the King's and his successors by the Pope. I think that the Pope is well empowered to give such honours.

MR. BAXTER: A very worthy defence.

MR. FITZGERALD: One Deputy expressed surprise about sending Acts to London and asked what was the position in this country. I suggest that Deputies would read, at least casually, the statement I made here yesterday. I stated in that what the position was here.

MR. BAXTER: Was that matter ever put up?

THE PRESIDENT: It was, and they turned it down.

MR. FITZGERALD: Deputy Magennis also talks about our status in the League of Nations. When we entered the League of Nations, we could only do so provided we had full jurisdiction and control over the area that we governed. Therefore, we entered for the present area of the Free State. If we had purported to enter for the whole thirty-two counties we would not have been eligible for entrance. Therefore, I cannot see that there is any change in our status in the League of Nations by the points raised here. There is, in fact, a change by the fact that we are no longer indented under cover of the phrase, "British Empire," and there is no plenipotentiary but the one appointed by this Government who has power to act in any way for the Free State, whereas before there was the British Empire with other Dominions indented underneath it and the British plenipotentiary with unlimited powers making a tangible unified representation on it. That has now gone. The plenipotentiary appointed by the British Government has no more power to act for this State than our plenipotentiary has to act for theirs. In that there is actual co-equality. I said yesterday that that was an exact and precise representation of the existing state of affairs, but Deputy Magennis said that it was quite the contrary. But it was not.

Every document is susceptible of several interpretations. I said yesterday something like this: that, in fact, there is no such constitutional organism as the British Empire. There is a series of States with one unifying feature, the King. There is no central government or federal Government. Each Government is complete in itself and no Government has control over any other Government, although there are certain forms existing still which, as I have said, are recognized in their temporariness and which will be done away with as time and circumstances permit.

PROFESSOR MAGENNIS: May I ask is there any such thing as a community of nations known as the British Empire? Are these words without meaning?

MR. FITZGERALD: The Deputy knows that I have said that there is no constitutional organism but there is such a thing as the British Commonwealth of Nations, which cannot really be described as a constitutional organism.

PROFESSOR MAGENNIS: Has it a King?

MR. FITZGERALD: It has a King acting separately on the advice of each Government.

PROFESSOR MAGENNIS: As regards each State?

MR. FITZGERALD: As regards each State in regard to all their affairs, external and internal.

PROFESSOR MAGENNIS: Has the community of nations known as the British Empire, and ruled over by an Imperial sovereign, no entity?

MR. FITZGERALD: It has no constitutional entity.

PROFESSOR MAGENNIS: Is it unconstitutional?

MR. FITZGERALD: We could go in this way all night.

PROFESSOR MAGENNIS: The Minister undertook to reply to me. Part of my case was that there was a community of nations known as the British Empire, that it has functions, that the control of them by way of government is the King in his Imperial character, and that treaties are signed on behalf of each State with the King's name at the head of the treaty.

MR. FITZGERALD: The Deputy says that there is a political entity called the British Empire. There is not. He says that it is ruled over as regards government by an imperial King. That is incorrect. The King's function is to reign, not to govern. That is done by the governments of the various countries. The King acts on the advice of each separate government. These advices might quite easily be contradictory, and nullify each other. With regard to one government he can do one thing, and with regard to another government a different thing, because in his functions he is several. Every document is capable of several interpretations. Here we have a series of States, having been one they have grown into several with all sorts of anomalies. There is nothing particularly illogical about it in any direction in the move from chaotically logical into logicity a little less chaotic. The document in front of you is logical.

PROFESSOR MAGENNIS: But is it satisfactory?

MR. FITZGERALD: Yes, it is eminently satisfactory, inasmuch as it improves the position and makes it clearer than before that there is a root principle, which is co-equality. That co-equality is co-equality of independence. We could be co-equal in this way: every Government would have to submit or yield to a veto of, say, five other governments. That is not so. Each government is a complete and independent thing in itself. I made a statement yesterday giving the interpretation of this Government to the document, and I suggested that the only interpretation of the document, which matters to the members of this Dáil or to the people of this country, is the interpretation put upon it by their own Government. The acts and practice of this Government will be guided by our interpretation. It is, therefore, quite irrelevant to quote the interpretation of outsiders, and a lot of time has been wasted here in quoting interpretations, most of which were made before the document was written. I think Deputies should be satisfied that my statement represents the interpretation which we are going to follow, and, if Deputies, including Deputy Baxter, who I believe would not wantonly or wilfully misconstrue it, would read the document carefully, they would find in it what was the practice before, and what was the practice we got by the Treaty—that the practice and constitutional usage of Canada should be the practice and constitutional usage here. That was accepted by Deputy Johnson, Deputy Magennis, and Deputy Baxter. They will find in my statement yesterday what was the practice we inherited and what are the proposals for altering it. I am satisfied that the proposals show a definite improvement in the direction in which we wish to go. Therefore, I say the document is eminently satisfactory. Deputy Baxter spoke of enthusiasm, but I am afraid that my nature at this time of life is incapable of enthusing. I made, as well as I could, a clear statement to enable Deputies to understand the implications of that document. I do not ask anybody to enthuse about it. I do not say that we have now arrived at perfection, but I say and maintain that every intelligent reader of the document will agree that it is eminently satisfactory.

D. 384/27

No. 144.

EXTRACT FROM A SPEECH MADE BY GENERAL HERTZOG AT
PRETORIA ON 20TH DECEMBER, 1926, AS REPORTED IN THE
RAND DAILY MAIL OF 21ST DECEMBER, 1926.

In spite of Union, the old Republican burgher, with the fellows of his race in the other provinces of the Union, has continued very anxiously to look forward to the day of restored national liberty. And no wonder. The Afrikaner, Dutch-speaking as well as English-speaking, has a deeply rooted love of his national liberty. The urge for realization of that freedom has characterized him since the earliest days of his settlement in South Africa—the desire to be free and thereby to see recognized his equality with others, both as man and nation.

I therefore desire to convey to the people of South Africa my hearty congratulations on the declaration made by the Imperial Conference in regard to our free national status. Dealing with the status and mutual relations among the group of self-governing nations composed of Great Britain and the Dominions, the Imperial Conference says:—

"They are autonomous nations within the British Empire, equal in status, in no respect inferior the one to the other in respect of interior or foreign affairs, although allied to each by common allegiance to the Crown and freely united as members of the British Commonwealth of Nations."

This declaration can also be contained in different terms, but to my mind no alteration of terms can more clearly demonstrate the absolute declaration of freedom from all subjection to any authority except that of our free national will.

South Africa, so it is declared here, is free in its self-government inside as well as outside; and the degree and nature of that self-government is equal to that of England without any inferiority or reservation. Where, therefore, South Africa is granted a national freedom equal in all respects to that of Great Britain, with a positive repudiation of any inferiority to Great Britain in the exercise of our free national will, there our national status and our national freedom both as regards extent and nature are for the future placed beyond all doubt in respect of international as well as interior matters. It is immaterial whatever terms one may employ in giving expression to that national status or national freedom. It can make no difference whether one speaks of autonomy, independence or sovereign independence. It is sufficient for us to know that our status and liberty are no less than that of Great Britain, and we do not object that this can as a matter of fact not be greater than that of the most powerful free state of Europe.

"Empire" and "Commonwealth."

Whatever may therefore be the nature or the degree of liberty or independence enjoyed by Great Britain or granted to Great Britain, the same will always have to apply to the Dominions.

In its declarations two terms are employed by the Imperial Conference in respect of which I desire to say a few words. The one is the term "British Empire," and the other the term "British Commonwealth of Nations." In view of the past it may be necessary to point out that neither of these terms must be taken as indicating the existence of one or other kind of supreme authority. Any kind of idea of supreme authority or super-authority has been finally dispelled ("broken") by the Imperial Conference in regard to the Empire.

Neither Great Britain nor any of the Dominions recognizes ("knows") any other authority over itself except that of its own free national will. Equality of status, it has been said, could not be secured along the course of federation (because the Dominions would not have federation) and consequently the only other alternative to that end is adopted, namely, that of our national will—autonomy.

The employment of the terms "British Empire" and "British Commonwealth of Nations" contemplates no more than two different groupings of the countries and peoples under the British Crown in order thereby to indicate the common relations of the members of each relative group either as a result of the common Crown or of a common alliance. "Commonwealth of Nations" is the name for Great Britain and the Dominions in their free association under the Crown. The sovereign freedom of the individual members of the alliance is not interfered with thereby, i.e., by their free association.

This also applies to the term "British Empire" under which name come to stand grouped the Dominions under Great Britain, as well as India, Rhodesia, and other nations under the Crown which stand outside the circle of the Commonwealth of Nations.

No Authority or Domination.

The British Empire, therefore, is not a *states persona* and possesses no authority or domination over the members of any member of the British Commonwealth of Nations; and it has as such consequently no jurisdictional significance for our national freedom. In so far as this is something more than a geographical name it is merely an outcome of the fact that all the countries and peoples covered by that name stand under the same Crown. Notwithstanding, therefore, the relation in which they stand to the Commonwealth of Nations or to the British Empire, the independent liberty of the Dominions remains unscathed, equal to that of Great Britain in degree as well as in nature.

It is a pity, undoubtedly, that the Imperial Conference had to continue employing a word to which such different meanings have from time to time been attached; but the declaration of the Imperial Conference leaves no doubt as to what the word "Empire" shall mean in future. No wonder that the great importance of the declaration made by the Imperial Conference has at once been realized and acknowledged by the whole world. By that declaration our absolute national independence is in the most uncompromising terms recognized, so that in the words of the Conference, "every Dominion is now and will always remain the sole arbitrator of the nature and extent of its co-operation, and every self-governing member of the Empire is now master of its own fate."

But not merely is our full liberty acknowledged by that declaration—it is also notified to the world as the authoritative expression of men speaking as the mouthpieces of the Crown after ripe consideration and solemn consultation.

It must now be clear to everyone of you how completely, by the declaration of the Imperial Conference in regard to our status, the Empire group unit idea has been broken with—that idea so assiduously pleaded and preached by some people since 1919. That idea, by which the Empire would in reality have acted as an authoritative unit to which the individual state members would have given up their individual free national will in reference to foreign interests, has been deliberately negated by the Imperial Conference as being unsuitable and unwanted.

For our national liberty this is a fact of the very greatest importance. Under the regime of the group unit idea there could be no question of dominial national liberty; and under that only the Empire, as a unit, would in theory be regarded as sovereign free, and Great Britain as a nation would in practice be regarded as really free. By rejecting that idea, the idea of an Imperial super-authority was also rejected, and a positive preference was given to dominial autonomous national liberty, resting on the sovereign will of the people of each separate Dominion, although a member of the Empire.

The Empire has thereby been denuded of all will and consequently of all authority, and henceforth signifies to us nothing more than a mere name indicating our common adhesion ("aanhorigheid") together with other peoples to the Crown—and that is all. Over our national liberty or over the exercise of our sovereign national will the Empire has no say whatever.

Between the conception of Empire, therefore, as wanted by the supporters of the "group unit" idea and that accepted by the Imperial Conference there is practically nothing in common except in name. Consequently, while no protagonist of South African national liberty could ever be a supporter of or could ever advocate co-operation with an Empire such as desired by the above-mentioned people, there is nothing to prevent the most ardent protagonist of national liberty from being at the same time a warm supporter of the Empire and of co-operation with the Empire as now accented by the Imperial Conference.

Britain's Renunciation.

The declaration made by the Imperial Conference differs from all former expressions in respect of the status and liberty of the Dominions by the publicity deliberately given to it, as well as by the authority with which that declaration has been made and the publicity given. It is not necessary for me now to go into the great significance of this matter, but in a third respect this declaration differs from all former similar expressions, namely, in the absolute renunciation therein made on behalf of Great Britain in favour of the Dominions of all say in connexion with Dominion affairs of whatever nature. Consequently we are here not dealing, as on former occasions, with a mere opportunistic declaration granting the Dominions this or that right or capacity as required by circumstances—reserving to Great Britain all rights and capacities not yet granted to the Dominions—but we are dealing with a positive, complete equalization of national liberty on national rights without any reservation, openly declared and accepted by the qualified Government representatives of Great Britain and the Dominions.

By that declaration of equality of the Dominions with Great Britain as free States, Great Britain has renounced any right or privilege which it may hitherto have claimed in respect of any of the Dominions; and where to-day or in the future any remnants of her former superiority and say should apply, there this takes place, not because of superior authority, but merely on the ground of agreement by the Dominion or Dominions concerned. Thereby our national liberty and independence, both as regards nature and extent, have for the future been placed beyond all doubt and outside the reach of party squabble.

What this means for us as a people and for our national welfare may be best realized if we should cast our minds back on the history of our country during the past century. Not only has the demand for South African national liberty repeatedly been a subject of bitter struggle and suffering, but it has up to now always been the main cause of national friction and division between Boer and Briton—and for that reason employed by selfish politicians in order to foster party interests and self interests. The removal of this apple of discord must fill everyone with joy.

No more Racial Feeling.

But the further beneficial results which necessarily must eventuate from the Declaration must inspire us with the greatest confidence for the future. The demand for national freedom and the nature and extent of that freedom has now given way to the question as to how that freedom can best be employed for the welfare and prosperity of the people of South Africa. By that all racial feeling is immediately placed in the background and free play is left for the sound judgment and understanding of all sections of the population to arrive at an unprejudiced choice of political conduct.

The question, for instance, as to our co-operation within the Empire thereby at once assumes a different colour. The reply thereto no longer needs the preceding solution of the question as to the effect of such co-operation on our national freedom, or on the achievement thereof. For that reason there can be but little doubt to-day as to what should be the reply and what will be the reply to that question if submitted to the people, either English or Dutch-speaking. I for myself do not hesitate for one moment, now that the Union has on proper authority been openly acknowledged as an independent free state, to declare in answer to that question that our welfare and happiness as a people along no other course can be better maintained and fostered than within the bond of nations with which we are now associated as a free people of our own free will, and that in no other manner our national freedom can enjoy greater authority and guarantee than within the British Empire on the basis on which it exists to-day. The form in which the Empire stands in front of us to-day, denuded of all authority over the Dominions, without person or power,—merely a name—with peace, security and prosperity as the chief aims contemplated by it—removes all hesitation and doubt as to recommending hearty co-operation with it to South Africa.

"South Africa First."

Our motto will still have to remain, as always, "South Africa first," and it will be the duty of its responsible statesmen in the first place to attend to South Africa's individual interests. By that, however, there need be no interference with the hearty co-operation, as regards the promotion of our common interests, with the other States of the Empire. The interests of South Africa are no less South Africa's interests merely because its allies are co-interested.

The conciliating power of the declaration made by the Imperial Conference will probably not show itself more strongly and not produce better fruit than in the spirit of good feeling on the part of the Dominions towards Great Britain and in the degree of friendly co-operation as willing members of the Empire. But within the borders of each separate Dominion it will make its beneficent influence felt.

As regards South Africa, who can doubt that that influence will display itself in a clear manner socially as well as politically? I have never doubted that that will be the effect of such a declaration, and one of the strongest motives which induced me, during all these years of struggle, to persist in the demand for complete national freedom for South Africa is that I always regarded this as an essential condition for a true South African national spirit in which the sense of division between Afrikaner and Afrikaner merely on the ground of difference of descent will be solved.

No Disappointment.

That I am not going to be disappointed in that expectation, neither by Boer nor by Briton, I think all evidence has been forthcoming by the cables of congratulation from South Africa sent to me immediately after the publication of the declaration by the Imperial Conference, as well as by the welcome accorded to me on my return. In those cables and in that welcome the awakening of a new and richer South African national spirit is displayed, by which our social life will not merely be noticeably purified of racial friction, but our political objective will be protected from racial difference and prejudice in future. (Hear, hear.)

To what extent the declaration of the equality of status between the Dominions and Great Britain is really intended to serve for the future as a test and a measure in the practical exercise of rights and capacities, is clearly and forcibly demonstrated by the attempts made at the same time by the Imperial Conference in order, on the basis of total equality with Great Britain, to arrive at a solution of various problems between her and the Dominions which so far had been left practically untouched by former Conferences.

On that basis a solution was arrived at not merely as to what should be the proper relation in which the Governor-General shall stand towards the British Government, what the Royal title shall be, what changes must be made in the form of the international treaties in which Great Britain and the Dominions are concerned as contracting parties, but also as regards other subjects and problems in respect of which the principle of equality is affected and interfered with by existing practice or legislation on the part of Great Britain. It is now understood that the necessary steps will be taken by the British Government, if so requested, for the removal of any obstacle preventing a Dominion from being placed in the possession of the enjoyment of its free national will.

Thus, for instance, an examination will be made in connexion with the question of extra-territorial legislation, legislation in regard to navigation and so on—all with the object of arriving at practical settlements regarding those subjects on the basis of equal status.

South Africa's New Era.

All this is proof of the great significance of the political change which has taken place among ourselves during the past few weeks—a change which of necessity will make itself felt at all points and in all corners of our national as well as social life. For South Africa, so to speak, a newer national period has dawned in which the past will, in many respects, be broken with, and fresh points of contact will have to be looked for. And it is demanded of us that with the creation of a free fatherland there shall exist with us a purified patriotism by which the interests of South Africa shall be placed above all descent and race, but also above all interests of self and party.

I therefore want to make an appeal here to-day to all sons and daughters of South Africa, to whichever party they may belong, to co-operate for the uplifting of our political life above the level of racial prejudice and party division, and to seek and to settle the basis of partisanship on common political convictions and on common national interests. Whether or not parties may have to suffer under that is a question which should not concern us where the interest of South Africa and its future demand this from us. (Cheers.)

Botha and Smuts.

Proceeding in his remarks without his notes, General Hertzog said that since the declaration had been made the question had been repeatedly put as to whom honour should be given for what had been achieved. He proceeded: "Let me say this. That to me is an idle question. We do not care who gets the honour. The great thing is that we have got what we have got. No individual person can claim the honour of having secured this—it has been secured by the will, by the insistence, of the people of South Africa. (Cheers.) Let us for a moment cast our minds back to the days of General Botha. (Cheers.) Is there one among us who dares say that it was not General Botha's great desire—that he did not work for the liberty of the people of South Africa? (Cheers.)"

To-day we must speak our minds openly and honestly. We may have differed from the late General Botha as to the manner in which that liberty should be secured; we may have differed from him as to what that freedom, that national freedom of ours, should be exactly, but there can be no doubt that General Botha strove for that liberty, that he worked for it and toiled for it. (Loud cheers.)

Let me come nearer the present day, let us come to General Smuts. (Applause and a little laughter.) I want to be honest and open on this matter, and I think it is no more than right that we as a people, if we are ever to be worthy of the name of a free nation, should openly and freely recognize and acknowledge what has been done, and give praise where praise is due. (Cheers.) Here again I know that many of you may be hardly able to credit it, and you may say, "General Hertzog is standing there and trying to jest with us," but I have ample proof that General Smuts wished to secure freedom for us just as much as anyone, and that he made an attempt actually to secure it. (Cheers.)

Unfortunately, he did not succeed in his attempt. But even though he did not succeed it is not for us to deny his attempts. (Hear, hear.) Perhaps things were not ripe at the time. But I want to say this—it was not General Botha, it was not General Smuts or anyone else who secured this freedom, this independence for us, it was because the people willed it and insisted upon it that we secured it. (Cheers.)

The honour for what has been secured is due in the first place to the people of South Africa themselves. And do you think that the English-speaking people have contributed less than the Dutch-speaking of South Africa? Superficially and at first glance you may say, "Yes, they fought us on every occasion when we wanted our freedom." You may say that, but I am convinced that the English-speaking South African wanted freedom as much as the Dutch-speaking Afrikaner, but they were afraid that if we got our liberty we should break away from the Empire—that was all.

I feel that English and Dutch-speaking Afrikaners alike rejoice at what has been achieved and recognize the great asset we have. It now behoves us all to work together and make an asset for South Africa of what has been achieved. We have an opportunity to go forward as one great people, and to make this liberty of ours fruitful and beneficial for South Africa. May we all do that. (Cheers.)

X. CANADIAN POLITICAL SITUATION, JULY, 1926, CORRESPONDENCE, REGARDING—

D. 7104

No. 145.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12.15 a.m., 1st July, 1926.)

TELEGRAM.

[Answered by No. 148.]

(Paraphrase.)

30TH JUNE. Secret. As I have already informed you, Mr. Mackenzie King asked me to grant him a dissolution and I refused. Thereupon he resigned and I asked Mr. Meighen to form a Government which he has done. This constitutional or unconstitutional act of mine seems to resolve itself into these salient features. A Governor-General has the absolute right of granting or of refusing a dissolution. A decision to refuse is a very dangerous one as it embodies the rejection of the advice of accredited Minister, which is the bedrock of constitutional government. Therefore, in nine cases out of ten a Governor-General should take the advice of the Prime Minister on this as on other matters. But if the Governor-General considers the advice offered to be wrong and unfair and not for the welfare of the people it behoves him to act in what he considers the best interests of the country.

This is naturally the point of view I have taken and which I expressed in my reply to Mr. King. Text of reply is being telegraphed separately.*

It will be observed that the letter in question is an acknowledgement of a letter from Mr. King† (the text of which is also being telegraphed) appealing to me to consult the Imperial Government. While recognizing to the full the help that this course might afford me, I flatly refused, telling Mr. King that to ask advice from London, where Canadian conditions were not as well known as they were to me, was to put the British Government in the unfortunate position of having to offer a solution which might give the Canadian people that feeling of participation in their politics which is to be strongly deprecated.

It seemed to me that there was one person and one alone who was responsible for decision and that person was myself. If the Imperial Government were involved I

* No. 147.

† No. 146.

should feel that the relationship of the Dominion to the old country would be liable to be seriously jeopardized whereas any incompetent and unwise action of a Governor-General can only involve himself.

I am glad to say that I was able to maintain a friendly feeling with my late Prime Minister to the end. I should have offered my resignation at once had it been otherwise. This point of view has been uppermost in my mind ever since Mr. King determined (against my private advice) on retaining office last November. It has not been always easy but it was imperative; a Governor-General and a Prime Minister could not allow a difference of point of view to wreck their relationship without the greatest detriment to the country. Mr. King, whose bitterness was very marked (on Monday), will probably take a very vitriolic line against myself, that seems only natural. I have to await the verdict of history to prove that the course I adopted was a wrong one, and this I do with an easy conscience, convinced that whether right or wrong I have acted in the interests of Canada and have implicated no one else in my decision.

There is only one thing I have to add and that is that at our last three interviews I appealed to Mr. King not to put the Governor-General in the position of having to make a controversial decision. Mr. King refused and I did not see what else I could do.—BYNG.

D. 7104

No. 146.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.30 a.m., 1st July, 1926.)

TELEGRAM.

(Paraphrase.)

30TH JUNE. Secret. My telegram of 30th June.* Following is text of Mr. Mackenzie King's letter to me of 28th June:—

Begins: My dear Governor-General, Your Excellency having declined to accept my advice to place your signature to the Order in Council with reference to the dissolution of Parliament which I have placed before you to-day, I hereby tender to Your Excellency my resignation as Prime Minister of Canada.

Your Excellency will recall that in our recent conversations relative to dissolution I have on each occasion suggested to Your Excellency, as I have again urged this morning, that, having regard to the possible very serious consequences of a refusal of the advice of your first Minister to dissolve Parliament, you should, before definitely deciding on this step, cable the Secretary of State for the Dominions asking the British Government, from whom you have come to Canada under instructions, what in the opinion of the Secretary of State for the Dominions your course should be in the event of the Prime Minister presenting you with an Order in Council having reference to a dissolution.

As a refusal by a Governor-General to accept advice of a Prime Minister is a serious step at any time, and most serious under existing conditions in all parts of the British Empire to-day, there will be raised (I fear) by the refusal on Your Excellency's part to accept advice tendered, a grave constitutional question without precedent in the history of Great Britain for a century and in the history of Canada since the Confederation.

If there is anything which, having regard to my responsibilities as Prime Minister, I can even yet do to avert such a deplorable and possibly far-reaching crisis, I shall be glad to do so, and shall be pleased to have my resignation withheld at Your Excellency's request pending the time it may be necessary for Your Excellency to communicate with the Secretary of State for the Dominions. I am, &c. *Letter ends.*

—BYNG.

* No. 145.

D. 7104

No. 147.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.20 a.m., 1st July, 1926.)

TELEGRAM.

(Paraphrase.)

30TH JUNE. Secret. My telegram of 30th June.* Following is text of my reply of 29th June to Mr. Mackenzie King:—

Begins: My dear Mr. King, I must acknowledge on paper with many thanks the receipt of your letter handed to me at our meeting yesterday.

In trying to condense all that has passed between us during the last week it seems to my mind that there is only one point at issue.

You advise me "that, as, in your opinion, Mr. Meighen is unable to govern the country, there should be another election with the present machinery to enable the people to decide." My contention is that Mr. Meighen has not been given a chance of trying to govern or saying he cannot do so and that all reasonable expedients should be tried before resorting to another election.

Permit me to say once more that before deciding on my constitutional course on this matter I gave the subject the most fair minded and painstaking consideration which it was in my power to apply.

I can only add how sincerely I regret the severance of our official companionship and how gratefully I acknowledge the help of your counsel and co-operation. With warmest wishes, yours, &c. *Letter ends.*

—BYNG.

D. 7104

No. 148.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.20 p.m., 1st July, 1926.)

TELEGRAM.

(Paraphrase.)

1ST JULY. Personal and Secret. Your Secret telegram of 30th June.* I have read with the greatest interest your telegram and your correspondence† with Mr. Mackenzie King. I am exceedingly sorry that it should have fallen to your lot to have to deal with so delicate and difficult a situation. I cannot of course express any opinion on your action but I can state that I unreservedly concur in the view which you took of the suggestion that you should refer to me before deciding on the request for a dissolution. Clearly the matter is one concerning Canadian internal affairs in which Ministers here could not take it upon themselves to intervene. I may say that had you referred to me I could only have replied on similar lines to the statements with regard to the political situation in New South Wales which I made in the House of Commons on 25th March, viz., that in my view it would not be proper for the Secretary of State to issue instructions, with regard to the exercise of his constitutional duties, to a Governor.—AMERY.

* No. 145. † Nos. 146 and 147.

XI. THE POSITION OF THE CROWN IN RELATION TO THE DOMINIONS.

D. 12913/26/S

No. 149.

SIR MAURICE HANKEY (CABINET OFFICE) to MR. E. J. HARDING (DOMINIONS OFFICE.)

[Answered by No. 151.]

(Secret.)

Offices of the Cabinet, 2, Whitehall Gardens, S.W.1.

29th November, 1926.

MY DEAR HARDING,

I ENCLOSE a copy of a letter I have received from Lord Stamfordham, in which he states that the King has been much interested in an article in yesterday's *Sunday Times* by Sir Sidney Low. I expect you have the article in the Office, so I am not enclosing it.

My own impression is that it is an exaggeration to say that "new and enlarged responsibilities will be thrown upon the Sovereign" by the Report of the Imperial Conference. Sir Sidney Low probably did not realize how far we had already gone in the direction of Dominion autonomy.

I should be much obliged if you could give me your views as to the sort of reply I should make. Before sending a reply, however, I shall, of course, consult those whom Lord Stamfordham mentions at the end of his letter.

Yours ever,

M. P. A. HANKEY.

Enclosure in No. 149.

DEAR HANKEY,

Buckingham Palace, 29th November, 1926.

THE King has read with attention and interest the enclosed article by Sir Sidney Low in yesterday's *Sunday Times*, especially that part which dwells upon the position of the Sovereign *vis-à-vis* to the Dominions, which Sir Sidney considers has been materially altered by the decisions come to by the Imperial Conference. If it really be the case that "new and enlarged responsibilities will be thrown upon the Sovereign," it will be no exaggeration to say that His Majesty's task will be an "extraordinarily difficult and delicate" one. So far as the King understands, Governors-General will in future not be the channel of communication between their respective Governments and the Home Government, but that these will be made direct by the respective Premiers: but to whom? Sir Sidney Low implies that they will be made direct to the King, on the assumption that the King "reigns by the same right in each of his Monarchies with equal but separate prerogatives in all."

The reason I write to you is, that His Majesty feels that you, who have attended every meeting when these matters have been discussed, and yourself recorded the minutes, probably have formed the best idea of what will be the result of the changes agreed upon by the Conference. Sir Sidney Low may be altogether wrong in his estimate: but His Majesty will, in due course, require some official information as to whether there will be any change in the Sovereign's relations with the Governments of the respective Dominions.

You are at liberty to show this letter, if you so desire, to the Prime Minister, Lord Birkenhead, Mr. Amery, or Lord Balfour.

Yours very truly,

STAMFORDHAM.

Lieutenant-Colonel

Sir Maurice Hankey, G.C.B.,
Cabinet Office.

D. 12913/26/S

No. 150.

MR. L. S. AMERY (DOMINIONS OFFICE) to SIR SIDNEY LOW.

[Answered by No. 152.]

MY DEAR LOW,

Downing Street, 29th November, 1926.

I HAVE just been reading your article on the Imperial Conference in the *Sunday Times*, and have been a little perturbed by some inferences which you draw or seem to draw from our conclusions. We based ourselves entirely on two principles: one equality, the other the unity of a single, indivisible Crown.

The very essence of the constitution of the Empire as we have stated it is that it is a single body corporate of subjects of that Crown, owing loyalty to the Crown and consequently to each other. The actual machinery of government is divided up geographically and the different Governments are now stated to be as explicitly non-subordinate one to another as successive Governments in this country are unbound by each other. But just as the common element of the Crown preserves the sense of continuity and responsibility as between successive Governments of His Majesty here or in any Dominion, so it does also between co-existent but geographically discrete Governments of His Majesty. The British Crown is one in space as in time. Above all, as no loyal subject of the King can be at peace with the King's enemies though there is no definite obligation as to the extent of the aid which he should render, so too no Government of the Empire can be neutral in the proper sense when the King is at war anywhere, though, of course, it may not decide to do anything active. That unity of the Crown is the basis of all co-operation and development, and the one fatal heresy to guard against is the idea that there are many Crowns or that the King is King in different parts of the Empire in different senses. A personal union, such as that which once existed between England and Hanover, or between Austria and Hungary, is precisely what the British Empire is not. The change in the title was certainly not intended to convey any such idea. It is purely a geographically descriptive title and Ireland figures in it ((a) because it always has been mentioned (b) because it is not beyond the seas (i.e. the oceans). Otherwise the political units "Irish Free State," etc., would have been chosen. With reference to India alone there is this much of difference in political significance, that whereas the King is King in the ordinary sense in British India, he is only overlord or Emperor over the native States whose subjects are not directly his subjects.

I know you are much too sound a constitutionalist to share the "personal union" heresy, but there are several phrases in your article which might convey the wrong impression to the unwary, and I hope some day when you are writing again you will keep in mind the danger of a misinterpretation which is directly contrary to what we have so securely established at the Conference.

Incidentally there is another passage in the article which might suggest that the power of the British legislature here to legislate for the Dominions has been abolished. All that has been done is to state, what has been true for a generation or more, that it can only be exercised by consent, though we were all agreed that its legal existence might at any time prove useful and convenient, e.g., in connexion with merchant shipping or naturalization.

Yours sincerely,

L. S. AMERY.

D. 12913/26/S

No. 151.

MR. E. J. HARDING (DOMINIONS OFFICE) to SIR MAURICE HANKEY (CABINET OFFICE).

(Secret.)

MY DEAR HANKEY,

Downing Street, 4th December, 1926.

MANY thanks for your letter of 29th November* enclosing one from Lord Stamfordham. We have carefully read Sir Sidney Low's article, but we do not think that it can be taken as in any way an authoritative comment on the Report of the Inter-Imperial Relations Committee.

* No. 149.

For example, you will notice that Sir Sidney Low says that "the Report declares that the Parliament at Westminster does not possess, even in theory, the power of legislating upon the domestic affairs of any Dominion." This, however, is not at all the wording used in the Report, which places it on record (page 18 of the Summary of Proceedings, Cmd. 2768) that "the constitutional practice is that legislation by the Parliament at Westminster applying to a Dominion would only be passed with the consent of the Dominion concerned."

Again, the article suggests in certain passages a multiplicity of Crowns which are held by a single person. Such a conception is, however, most misleading. You will remember the emphasis laid by the Conference upon a *single* Crown as the emblem of the unity of the British Empire.

As the result of discussion here, we suggest that your answer to Lord Stamfordham might begin by commenting in the sense of the foregoing and then proceed on the following lines:—"It is, of course, difficult to speak with any certainty. But it does not seem likely at the moment that there will be, as a result of the Report of the Committee on Inter-Imperial Relations, any far-reaching departure from the present system."

"On the special point raised with regard to channels of communication, the change contemplated by the Report is that in future official communications between the Government in London and any Dominion Government so desiring should pass direct between Ministers (i.e., presumably between the Secretary of State for Dominion Affairs here and the Secretary of State for External Affairs in a Dominion, or other Minister holding a corresponding office). It is, however, already the custom for the Governor-General to pass to his Ministers for consideration and action any communications which he receives from the Secretary of State for Dominion Affairs, and, similarly, to pass on to the Secretary of State any communication which he receives from his Ministers for transmission to the Government here. Hence the main practical effect of the change suggested would seem to be that in future official communications from London to a Dominion Government would no longer be addressed to the Governor-General, and official communications from a Dominion Government to London would no longer be signed by the Governor-General. The right of the Governor-General to receive copies of all such communications which are of importance is carefully safeguarded."

"Looking at the matter more broadly, it will be seen that the Report of the Inter-Imperial Relations Committee draws a distinction between advice to the Crown, and advice to His Majesty in person. The Crown in a Dominion, i.e., the Governor-General, acting as His Majesty's representative, is of course advised direct by Dominion Ministers on all matters appertaining to the affairs of the Dominion, and the implication of the Report is that His Majesty's Ministers in Great Britain are not at liberty to intervene between the Governor-General and His Ministers. There are, however, certain matters affecting Dominion affairs where it is customary, or necessary, for His Majesty to be approached in person. As regards such matters, the Report of the Committee is mainly concerned with laying down the principle governing the present position, viz., that if His Majesty is approached on such matters through his Ministers in London, any advice which they may tender must not be contrary to the views of the Dominion Government concerned."

"As regards the actual method of approaching His Majesty, the words in the penultimate paragraph on page 18 of the Summary of Proceedings of the Conference (Cmd. 2768) were framed so as to permit of the present practice as regards submissions continuing in force. What precisely is the constitutional position of His Majesty's Ministers here in making such submissions may perhaps be open to discussion. But there seems no reason at the moment to suppose that any substantial variation from existing procedure is involved."

Mr. Amery has seen, and approved, this letter. I understand that he hopes to have an opportunity shortly of talking himself to Lord Stamfordham as to the position resulting from the Report of Lord Balfour's Committee.

Yours ever,

E. J. HARDING.

D. 13330/26

No. 152.

SIR SYDNEY LOW to MR. L. S. AMERY (DOMINIONS OFFICE).

[Answered by No. 154.]

45, Campden Hill Court, Kensington, W.8.

4th December, 1926.

MY DEAR AMERY.

I AM much obliged for your very interesting and informative letter of 29th November,* concerning an article of mine on the Conference Committee's Report on Inter-Imperial Relations. (I should have acknowledged it before, but there was a slight error in the address which appears to have caused some delay in delivery.)

I note with attention what you say about the Crown, and shall keep your observations before me when writing the supplementary chapter on the Imperial Constitution which I am preparing for the next edition of my *Governance of England*. Something of the kind I have myself, in less adequate terms, attempted to express. Writing twenty years ago I said that the Crown in our system is like the ether of the physicists, the source and essence of matter and energy. I added that this "immortal, omnipotent, all-embracing, infallible, and omniscient entity" is, in fact, an abstraction which might almost as well be called "the Will of the People" or the "Spirit of the Nation." In the Empire it is, as you point out, the sense of unity, continuity, corporate interest and sentiment. And I should accept your proposition that it is indivisible, one in space and time. All members of the Imperial realm are linked by a common allegiance.

It did not, however, occur to me that I was traversing these principles when I suggested that the Sovereign—not the Crown—is invested with a "multiple personality" since he functions separately in each of his "kingdoms" or nation-states. I am endeavouring to explain to the general reader the implications of the equality-of-status system as laid down in the Report; and I hope to do so without being guilty of the "personal-union" heresy. I describe the Commonwealth as an alliance of equal nations, though of course, an alliance of an exceptional and unique character. The Crown extends over all; but it is a spiritual thing, spiritually discerned. Its august earthly incarnation is "King of Great Britain" in one country, "King in Australia" in another, and it is in that discrete capacity that acts are done in his name in each sphere. It appeared to me that the Report insisted upon this point, since it declared that the King can only accept advice upon matters relating to the affairs of any Dominion from his responsible ministers in that Dominion. I do not criticize or condemn this arrangement; but it seems useful to point out that it leaves the King without responsible advisers upon affairs affecting more than one nation-state, and may require him to exercise his personal discretion when he receives conflicting or divergent advice from two of his Governments. In practice, no doubt, the difference would be adjusted by negotiation between the Cabinets. But the hiatus exists; and I believe that one of the next stages in our constitutional development will be to provide the Sovereign with extra-national advisers by means of an Imperial delegation, or an Imperial Committee of the Privy Council, or in some other form.

I note also that in your opinion the Report does not aim at abolishing the legislative sovereignty of the Imperial Parliament. I had drawn a different inference from the pointed references to "the Parliament at Westminster," the reservation of Dominion legislation, the Colonial Laws Validity Act, and other passages. But I am glad to learn that this reserved power, limited as it must be in practical operation, is to be maintained.

It seems desirable to make people grasp the fact that the self-governing part of the Empire consists of autonomous, separate, and politically-equal communities. But as the Report asserts, and as you have so rightly emphasized in your speeches, the Empire depends upon positive ideals. Co-operation, not individuation, is to be stressed, co-operation among the inter-Imperial economic, financial, diplomatic, industrial, intellectual, military, and migration agencies, which will express the Will to Unity more effectively than any political machinery. For all this the late Conference has laid down most valuable foundations, and you can be legitimately congratulated on your own large personal share in this notable achievement.

I am, &c.,

SIDNEY LOW.

D. 12913/26/S

No. 153.

SIR MAURICE HANKEY (CABINET OFFICE) to LORD STAMFORDHAM
(BUCKINGHAM PALACE).

(Secret.)

Offices of the Cabinet, 2, Whitehall Gardens, S.W.1.

DEAR LORD STAMFORDHAM,

6th December, 1926.

I HAVE now consulted the Dominions Office in regard to the article by Sir Sidney Low in the *Sunday Times* of 28th November, which was forwarded with your letter of 29th November.*

The view of the Dominions Office confirms generally the view I expressed personally to the King on Thursday last, but is framed in more cautious language. Although Mr. Harding's letter is written with a view to giving me material for a reply, I think it would be better if I sent you the letter† in full. I accordingly attach a copy herewith.

Yours sincerely,

M. P. A. HANKEY.

D. 13330/26

No. 154.

MR. L. S. AMERY (DOMINIONS OFFICE) to SIR SIDNEY LOW.

[Answered by No. 155.]

MY DEAR LOW,

Downing Street, 15th December, 1926.

It was good of you to write so fully in answer to my letter of 29th November,‡ and I have been much interested in reading what you say. There are, however, two points in your letter on which I think that I should comment, especially as you are preparing a supplementary chapter to the next edition of your book on the "Governance of England."

First, it seems to me incorrect to say that His Majesty the King acts in Great Britain as "King of Great Britain" and in Australia as "King in Australia." On the contrary, such a conception seems to me to be as wrong in theory as it certainly is in fact.

If you look, for instance, at the preamble to the Commonwealth Constitution Act of 1900 you will see that it refers to the desire of the people of the Australian States "to unite in one indissoluble federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland . . .," and the second section of the Act says that its provisions referring to the Queen "shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom."

The preamble and provisions of the British North America Act of 1867 and of the South Africa Act of 1909 are similar. In the case of the Irish Free State, though the form of the Act of 1922 is different, you will remember the wording of Article 2 of the Articles of Agreement which defines the relationship of the Crown to the Irish Free State by reference to the law, practice and constitutional usage in relation to Canada.

It is true that the King is not the same juristic person throughout the whole of his Dominions. The Commonwealth and the States are in the purview of the Australian Constitution distinct and separate bodies, and the King, as Executive Head of the Commonwealth, is thus juristically distinguishable from the King as Executive Head of each of the Australian States. The same distinction exists between the King as Executive Head of the Dominion of Canada and as Executive Head of each of the Canadian Provinces. From the juristic point of view the King has as many distinguishable aspects as he has Governments, whatever may be the degree of autonomy or authority which they may possess. It cannot, however, be contended that there are seven different Kings in Australia, or ten different Kings in Canada, or as many different Kings as there are Colonies. The juristic conception does not therefore in any way affect the principle that there is only one King and one Crown for the whole of the Empire.

Secondly, the Report of the Inter-Imperial Relations Committee does not declare that the King can only accept advice upon matters relating to the affairs of any Dominion from his responsible Ministers in that Dominion. The wording of the Report (see page 17 of Cmd. 2768) is as follows:—"It is recognized that it is the right of the Government of each Dominion to advise the Crown in all matters relating to its own affairs. Consequently, it would not be in accordance with constitutional practice for advice to be tendered to His Majesty by His Majesty's Government in Great Britain in any matter appertaining to the affairs of a Dominion against the views of the Government of that Dominion."

The implications of this passage in the Report as I understand it, are (a) that His Majesty's Ministers in Great Britain are not at liberty to intervene between the Governor-General of a Dominion and his Ministers, and (b) that if His Majesty is approached on Dominion matters through His Ministers in London, any advice which they may tender must not be contrary to the views of the Dominion Government concerned.

It does not seem to me that even in theory, there is any "hiatus" as regards advice to His Majesty such as you suggest.

Yours sincerely,
L. S. AMERY.

D. 13330/26

No. 155.

SIR SIDNEY LOW to MR. L. S. AMERY (DOMINIONS OFFICE).

45, Campden Hill Court, Kensington, W.8.

17th December, 1926.

MY DEAR AMERY,

I AM obliged to you again for the trouble you have taken to explain the implications of the Inter-Imperial Relations Report.

You know what was in the minds of yourself and your colleagues in drafting this document. I, of course, have no such knowledge; particularly as the opportunities and facilities for contact with the representatives of the Home and Dominion Governments, granted to me during former Imperial Conferences, have not been accorded under the present Administration. I can only form my opinions from the published matter and public statements.

I should not venture to dispute the constitutional orthodoxy of your view as to the status of the King in his several "possessions." I gather that there is no intention to make any innovation either in theory or practice. I had derived a somewhat different impression from the Report; and so apparently have others, if I may judge from observations made in the Canadian Parliament, and elsewhere. It looked as if it were contemplated that the present conception of the Empire-Realm under the Crown should pass to that of an Alliance of separate nation-states or "kingdoms." General Hertzog seems to convey the same impression when he says (at Paarl on 14th December): "All that remained was a free alliance of England and the six Dominions . . . forming their own League of Nations . . . If to-morrow they wanted to go out they would go out." Allied States are free to break off from the alliance when they please; but is the position consistent with common and indissoluble association under a single Sovereign?

The Report does not *totidem verbis* abolish the Imperial powers of the Parliament of Great Britain and Northern Ireland. But it does (IV c.d.) seek to do away with its control over repugnancy, and substitutes reciprocal statutes "based upon consultation and agreement."

As to the question of advice to the Crown, I construed the passage in the Report to mean that in Dominion affairs the Crown must receive the advice of Dominion Ministers, and ought not to be advised by its Government in London. That seems to be the natural sense of the words, though I note that you say the intention is only to prevent the intervention of the British Cabinet between a Governor-General and his own Ministers; and to secure that the King's Ministers in London shall not give him advice contrary to that of the Dominion Government concerned. Does that quite do away with the "hiatus?" I do not see what would happen if different advice is tendered to the King by two different sets of advisers, though in practice the difficulty might be adjusted, as a rule, by negotiation between the Governments.

On these and other points there seems some obscurity in the Report. It may be cleared up by the Expert Committee which it is proposed to appoint, or by further

elucidation in Parliament. On the other hand I can understand that a certain vagueness may be usefully maintained at present, and too rigorous definition avoided by those who speak with authority. This may be politic, even if it adds to the difficulty of unauthoritative outside commentators.

Some of the subjects we are discussing are touched upon in my essay on "The Problem of an Imperial Executive" in the volume I am sending you—if you can spare time to glance at it.

I am, &c.,
SIDNEY LOW.

XII. IRISH BOUNDARY NEGOTIATIONS.

58509

No. 156.

DIARY OF PRINCIPAL EVENTS, 1921-1925.

Note.—The following Parliamentary Papers have been published on the subject:

- (i) Cmd. 2264 containing extracts from debates, public speeches, etc., in 1920-1923.
- (ii) Cmd. 2155 and 2166: Correspondence with the Irish Free State and Northern Ireland during 1923-1924.
- (iii) Cmd. 2214: Report of the Judicial Committee of the Privy Council.

1921.

6th December.

Articles of Agreement for a Treaty between Great Britain and Ireland signed.* Article 12 providing—in the event of the Parliament of Northern Ireland presenting an Address to His Majesty within one month of the ratification of the Articles, praying that the powers of the Parliament of the Irish Free State should no longer extend to Northern Ireland—for the appointment of a Commission of three persons, one to be appointed by the Irish Free State Government, one to be appointed by the Government of Northern Ireland, and one to be Chairman, to be appointed by His Majesty's Government, to determine the boundary of Northern Ireland.

1922.

5th December.

Irish Free State Constitution Act, 1922, ratifying the Articles of Agreement, received Royal Assent (13 Geo. V. Chapter 1).

8th December.

Address presented to His Majesty from the Parliament of Northern Ireland in pursuance of Article 12 (60981/22).

1923.

19th July.

Irish Free State Government nominated Dr. Eoin MacNeill, Minister for Education, as their representative on the Commission to be constituted under Article 12, and asked His Majesty's Government to take steps for constituting the Commission.† (36328/23.)

25th July.

Reply sent,† stating that the further steps necessary to give effect to Article 12 would be taken on the conclusion of the general election in the Irish Free State to take place before the 6th December, 1923. (36328/23.)

22nd September.

Governments of the Irish Free State and Northern Ireland invited to send representatives to a joint Conference in London.† (43539/23.)

1924.

1st February.

Conference held 1st-2nd February and adjourned for a month. Resumption of the Conference postponed in view of the illness of the Prime Minister of Northern Ireland (Sir James Craig). 24th April suggested as the date for next meeting. (11724/24.)

* Cmd. 1560. † Cmd. 2155.

- 15th March. Irish Free State Government deprecated further postponement, and asked that necessary steps to complete the constitution of Boundary Commission should be taken without delay.* (12703/24.)
- 1st April. Reply sent, urging Irish Free State Government not to ask His Majesty's Government to call upon Government of Northern Ireland to appoint their Commissioner until the two Governments had had time to resume conversations.* (16910/24.)
- 7th April. Opinion of Lord Chancellor and Law Officers that unless Government of Northern Ireland appointed a Commissioner, no Boundary Commission could be constituted or could be competent to determine the Boundary. (16065/24.)
- 7th April. Irish Free State Government stated that they were prepared to resume discussion with His Majesty's Government and the Government of Northern Ireland on 24th April, provided that steps would be taken to constitute the Commission by 1st May if a solution was not reached.* (17060/24.)
- 24th April. Outline of proposals for consideration at the Conference (19644/24). No agreement reached. (19888/24.)
- 26th April. Irish Free State Government renewed request for immediate steps to be taken to constitute Commission.* (20051/24.)
- 28th April. Reply sent stating that Chairman would be selected and that Government of Northern Ireland were being requested to appoint their representative.* (20051/24.)
- 1st May. Sir Robert Borden, a former Prime Minister of Canada, invited to act as Chairman of the Commission. (20884/24.)
- 7th May. Sir Robert Borden declined appointment, unless both Irish Free State and Northern Ireland Governments appointed representatives. (21914/24.)
- 10th May. Government of Northern Ireland declined to appoint a representative on the Commission.* (22265/24.)
- 23rd May. Irish Free State Government informed that a reference would be made to the Judicial Committee of the Privy Council on questions arising from the situation created by the refusal of the Government of Northern Ireland to appoint a Commissioner.* (24415/24.)
- 23rd May. Commonwealth Government approached with a view to presence of Chief Justice of High Court of Australia as member of the Judicial Committee for the purpose of the reference. (24815/24.)
- 26th May. Union Government approached with a view to the appointment of Chairman of the Commission being offered to the Hon. Richard Feetham, a Judge of the Supreme Court of the Union of South Africa. (25615/24.)
- 28th May. Commonwealth Government agree to make available services of Chief Justice. (25616/24.)
- 31st May. Meeting at Chequers between Prime Minister, Mr. Cosgrave (President of the Executive Council of the Irish Free State), and Sir J. Craig. (25617/24, 26056/24 and 26861/24.)
- 3rd June. Canadian Government asked to agree to services of Mr. Justice Duff being made available. (26055/24.)
- 3rd June. Irish Free State Government stated that they could not be regarded as a party to the reference to the Judicial Committee or committed to agreement with its findings.† (26715/24.)
- 4th June. Mr. Justice Feetham accepted Chairmanship of the Commission. (26724/24.) Letter of appointment in 28566/24.
- 13th June. Canadian Government agree as regards Mr. Justice Duff. (28190/24.)
- 25th June. } Terms of reference to Judicial Committee of Privy Council.‡
25th July. } (35319/24, 35320/24.)
- 4th July. } Correspondence between Registrar of Privy Council and
10th July. } Governor-General of Irish Free State regarding representation before the Judicial Committee. (41149/24.)
- 22nd July. } Record of proceedings before Judicial Committee and Report‡
23rd July. } of Committee, to the effect that Commission could not be constituted
31st July. } under the existing law. (37063/24.)

* Cmd. 2155. † Cmd. 2166. ‡ Cmd. 2214.

- 31st July. Order in Council approving the Report of the Judicial Committee. (36867/24.)
- 18th July. } Case for Law Officers and Law Officers Opinion as to powers of
31st July. } Boundary Commission (attendance of witnesses, etc.). (36656/24.)
- 2nd August. } Agreement signed by the Prime Minister and Mr. Cosgrave
4th August. } supplementing Article 12 of the Treaty by transferring to His Majesty's Government power of appointing the Commissioner for Northern Ireland. (37290/24.)
- 3rd August. Mr. Cosgrave urged that legislation to give effect to Agreement should be enacted without delay. (37064/24.)
- 5th August. Record of meeting between British and Irish Free State Ministers in Dublin regarding enactment of legislation to give effect to the Agreement. (37291/24.)
- 6th August. Irish Free State (Confirmation of Agreement) Bill introduced into House of Commons. (44140/24.) Debates in 49876/24.
- 12th August. Treaty (Confirmation of Supplemental Agreement) Bill introduced into Dail Eireann. (38672/24, 39743/24.)
- 27th August. } Case for Law Officers and Law Officers Opinion as to legal effect
24th September. } and validity of award of Commission. (45471/24.)
- 16th September. Mr. Justice Feetham suggested that it might be desirable for legislation to be passed, conferring powers to ascertain wishes of the inhabitants in certain areas by means of plebiscites. (43975/24.)
- 18th September. Minutes regarding a proposal that terms of Reference of Boundary Commission should be made the subject of a further reference to the Judicial Committee of the Privy Council. (44305/24.)
- 13th-20th October. Question of administrative steps necessary to give effect to Boundary Commission's award was raised, and a meeting was arranged between Colonial Office and Home Office representatives. (10125/25.)
- 9th October. Irish Free State (Confirmation of Agreement) Bill received Royal Assent. (14 and 15 Geo. V. Chapter 41.) (49876/24.)
- 25th October. Treaty (Confirmation of Supplemental Agreement) Bill assented to. (Act No. 51 of 1924.) (50437/24.)
- 27th October. Mr. J. R. Fisher appointed as Commissioner deemed to be appointed by Government of Northern Ireland. (48691/24.)
- 31st October. Notice in *London Gazette* notifying establishment of Boundary Commission. (50276/24.)
- 7th November. Boundary Commission inquired whether His Majesty's Government desired to submit any statement as to the work with which the Commission was charged, or to appear before Commission by Counsel, or to submit any evidence. Negative reply returned to all three questions. (52503/24.)
- 18th November. Conference held between representatives of Colonial Office and Home Office: certain preliminary conclusions reached, on which it was decided to consult other competent Departments and to advise Commission informally of administrative and other difficulties which would arise if award of Commission should become effective without sufficient notice being given. (10125/25.)
- 1925.
- 8th June. Letter received from Boundary Commission inquiring whether any power existed for Commission to delay effect of their determination so that Governments might have time to make necessary administrative arrangements and public might be informed. Commission added that they thought they might be able to issue their determination in about four or five months' time, at any rate before end of year. (27250/25.)
- 19th June. Irish Free State asked to delay reply to similar letter addressed to them in order that agreed reply might be sent in same terms on behalf of both Governments. (27250/25.)
- 22nd June. Irish Free State replied giving views as to reply to be sent to Commission on the lines that the Commission's award takes immediate effect but that no difficulty should arise for the Governments in making in advance a scheme for the necessary administrative

arrangements—finally suggesting a Conference between the two Governments at an early date. (28547/25.)

- 1st July. Appropriate Government Departments invited to be represented on an Inter-departmental Committee to discuss administrative and other arrangements. Secretary of State consulted Secretary of State for Home Affairs as to inviting Government of Northern Ireland to be represented on Committee. (28547/25.)
- 3rd July. Secretary of State for Home Affairs replied that it would probably only embarrass the Government of Northern Ireland to invite them to Committee at once and that it would be best to inform them of results of Committee's conclusions. (28547/25.)
- 4th July. Reply sent to Irish Free State that matter had better be carefully considered by British Departments first, and suggesting Conference in September. (28547/25.)
- 10th July. First Meeting of Inter-departmental Committee. (Conclusions in 31898/25.)
- 13th July. Irish Free State replied suggesting that Conference between the two Governments should take place immediately and that reply to Commission should not be deferred. (31897/25.)
- 17th July. Second Meeting of Inter-departmental Committee (conclusions in 31898/25) as a result of which an interim report and an agenda for discussion with Irish Free State representatives were prepared (copies in 33640/25). N.B.—These documents could not be finally completed and submitted for approval prior to the meeting with the Irish Free State representatives, so it was arranged that Inter-departmental authority should be obtained for the appropriate sections of the report, and that the agenda should not be communicated to the Irish Free State in advance but used as material for the Chairman's statement at the meeting. (See 33741/25.)
- 20th July. Reply to Irish Free State agreeing to immediate Conference to be held 28th July "limited in its scope to the elucidation of technical difficulties," suggesting further Conference in September after examination of technical questions, and submitting draft reply to Boundary Commission. (31897/25.)
- 23rd July. Irish Free State reply agreeing to Conference on 28th July and concurring in reply to Commission, but doubting whether further meeting in September possible. (33741/25.)
- 28th July. Meeting held with Irish Free State representatives. Arrangements discussed on basis that no interval would occur between publication and effect of award. The various services were considered and it was agreed that memoranda should be exchanged between the competent Departments: the British Departments to prepare memoranda first in the case of "reserved" services, the Irish Free State Departments in the case of "transferred" services. (35031/25.)
- 29th July. Reply sent to Boundary Commission to the effect that Commission had no power to delay effect of their determination; that question of administrative arrangements necessary to give effect to award with least possible inconvenience to public was under consideration and would form subject of discussion between the two Governments not later than October, and that a further communication would be addressed to the Commission thereafter (a copy of this reply sent to Irish Free State who sent a similar reply). (33741/25.) (35792/25.)
- 6th August. Secretary of State while in Dublin discussed question with Mr. Cosgrave and Mr. O'Higgins (Vice-President of the Executive Council), who were strongly of opinion that shortest possible previous announcement of determination should be given. Secretary of State was doubtful, and said His Majesty's Government could not be regarded as committed to this view, since, if large changes were involved it was essential that Government of Northern Ireland should be consulted for some time before award took effect. (37243/25.)
- 16th October. Third meeting of Inter-departmental Committee, at which it was reported that the exchange of memoranda with the competent

Departments of the Irish Free State had taken place and that agreement had been reached in regard to "reserved" services: as regards "transferred" services the Government of Northern Ireland had refused to co-operate in advance and the necessary measures were accordingly considered: the position of staff in transferred areas was also discussed. (46943/25.)

- 22nd October. The Attorney-General was consulted and advised that Article 12 of the Treaty afforded no legal foundation for the view that the Commission had no power to transfer any portion of the Irish Free State to Northern Ireland. (46944/25.)
- 23rd October. Despatch to Irish Free State inviting the Free State Government to take part in Conference on 29th October. (46944/25.)
- 26th October. Memorandum submitted to Cabinet jointly by Secretary of State and Secretary of State for Home Affairs recommending that Commission should be asked to give the Governments a few weeks' notice of the nature of their award before it came into effect (the time could be occupied in endeavouring to persuade the Government of Northern Ireland to co-operate in giving effect to the award); and that at the meeting on 29th October the Irish Free State Government should be asked to join in making this request to the Commission, a renewed assurance being given to them that the British Government had no other thought than to carry out the award to the letter. (48158/25.)
- 28th October. Question was discussed by the Cabinet: conclusions are not on official record, but it is understood that no final decision was reached, and that Secretary of State was authorized to discuss question on provisional basis with Irish Free State representatives but not to enter into a final and binding agreement.
- 29th October. Meeting with Irish Free State representatives at which prior to the full meeting Secretary of State explained to Free State Ministers that Government of Northern Ireland were not at present prepared to discuss the administrative steps which would be required; further that while the general arrangements with regard to "reserved" services should be fully gone into, he was not then able to enter into a final or binding agreement with regard to them. The Free State Ministers explained that their view was that the Commission had no power to award Free State territory to Northern Ireland but that they would be prepared to discuss matters on the basis that it had. The meeting then discussed the arrangements proposed departmentally and approved them, together with certain proposals regarding staff. The Free State representatives also urged strongly that any areas to be transferred from Northern Ireland to the Free State should be occupied by British troops and handed over by them in a peaceable state, to Free State forces (whether civil or military). (49562/25.)
- 30th October. Letter from Mr. Tallents (Imperial Secretary to the Government of Northern Ireland), giving account of a conversation with Sir J. Craig which indicated that the Northern Ireland Government might be prepared to co-operate in carrying out a "reasonable" determination, and might possibly be induced to discuss in advance the necessary administrative arrangements "without prejudice"; also that it was desirable that an interval of two or three weeks should elapse during which the award should be gradually carried out, rather than abruptly. (49569/25.)
- 4th November. Note by Secretary of State for Home Affairs giving substance of conversation with Sir James Craig in which the further question of compensation to residents in transferred areas was raised. (50284/25.)
- 6th November. Letter from Commission stating that it appeared desirable that Commission should confer on 19th November with representatives of the two Governments as to (i) date of delivery of award (ii) procedure with regard to publication (iii) custody of documents. (50283/25.)
- 7th November. Publication in *Morning Post* of detailed forecast of award (substantially accurate). (50286/25.)

- 7th November. Despatch from Irish Free State proposing to inform Commission that arrangements were ready to carry award into effect; suggesting that it should be delivered on a Saturday afternoon, and expressing the hope that it might be issued before 31st December. (50606/25.)
- 10th November. Irish Press report of deputation from Donegal to Irish Free State Government to protest against any transfer of Irish Free State territory to Northern Ireland. (54434/25.)
- 11th November. The Cabinet decided to agree to a Conference with the Commission on the 19th; to arrange if possible a primary meeting with Irish Free State representatives on the 18th, at which the discussion of arrangements would be resumed, and objections pointed out to the use of British troops, while if a delay of two or three weeks intervened between announcement of terms of award and its promulgation, a peaceful transfer might be secured; that an endeavour should be made to dissuade Sir J. Craig from his demand for compensation; and that an Irish Affairs Committee should be set up. (51236/25.)
- 11th November. Despatch to Irish Free State proposing to reply to Commission agreeing to meeting on 19th November, and suggesting preliminary meeting with Irish Free State representatives on 18th November. (50283/25.)
- 18th November. Despatch from Irish Free State enclosing reply to Commission agreeing to meeting on revised date (24th November) and agreeing to meeting with British Government representatives on 23rd November. (52177/25.)
- 19th November. Debate in Dail on motion approving representations made by Irish Free State Government to Commission to effect that Commission had no power to award Free State territory to Northern Ireland, in course of which Mr. Cosgrave maintained that view strongly, and in addition stated that if the *Morning Post* forecast was correct, the Commission must have totally disregarded their duty and the principles on which they were supposed to act. (54434/25.)
- 20th November. Reply to Commission agreeing to meeting on 24th November. (52177/25.)
- 21st November. Telegram from Irish Free State reporting resignation of Dr. MacNeill from Boundary Commission and stating that, in their opinion, conferences on 23rd and 24th November could not in the circumstances be held. (52611/25.)
- 21st November. Letter from Commission suggesting that in spite of absence of Irish Free State representatives, representatives of His Majesty's Government should attend meeting on 24th. (52612/25.)
- 21st November. Statement by Mr. Cosgrave at public meeting that Dr. MacNeill had resigned from Commission as the principles on which their proposed award was to be based were such that he could not possibly submit to them. (54434/25.)
- 22nd November. Statement issued by Commission to effect that up to 20th November, Dr. MacNeill had worked in complete harmony with his colleagues, and had agreed to sink differences of opinion and to sign an unanimous report. (54041/25.)
- 23rd November. First meeting of Irish Affairs Committee as a result of which a reply was sent to the Commission that while such a Conference as was originally contemplated could not now be held, the British Government would send representatives to receive any communications which the Commission might wish to address to them. A copy of this letter was sent to the Irish Free State. (54042/25 and 52612/25.)
- 24th November. The Commission informed Secretary of State and Secretary of State for Home Affairs as representatives of His Majesty's Government (i) that they regarded Dr. MacNeill's resignation as void (ii) that their finding had been agreed substantially by 17th October, the delay since then having been due to the preparation of maps, but that their report and maps would be ready by 3rd December. They were willing to communicate the purport of their award to the British representatives at once, but the British representatives declined to

- receive it in the absence of Free State representatives. This was reported to the second meeting of the Irish Affairs Committee (54042/25). At the same time the Commission addressed two letters to the Free State Government stating as at (i) above, reporting the nature of their communication to the British representatives and inviting the Free State Government to send representatives to a meeting on 26th November. (54044/25.)
- 24th November. Debate in Dail in which Dr. MacNeill announced his resignation from post of Minister of Education and gave an explanation of his actions as member of Boundary Commission and in resigning therefrom. (54434/25.)
- 25th November. The Cabinet decided in regard to the Boundary Commission's invitation to a meeting on the 26th November only to accept such invitation if the Irish Free State were to be represented thereat: otherwise to suggest to the Commission that a written communication should be sent to both Governments. (54044/25.)
- 25th November. Telegram received from Irish Free State suggesting conference between Prime Minister and Mr. Cosgrave with a view to arriving at some settlement, proposed meeting with Commission to be postponed. (53186/25.)
- 26th November. Conference between Prime Minister and Mr. Cosgrave at which Prime Minister pointed out to Mr. Cosgrave impossibility of British Government refusing (without consent of Northern Ireland) to carry out award which Irish Free State would have insisted on their carrying out had it not been unexpectedly favourable to Northern Ireland. Mr. Cosgrave agreed, and consented to discuss with Sir J. Craig if a meeting could be arranged. (54046/25.)
- 26th November. Third meeting of Irish Affairs Committee. Question of compensation to Northern Ireland considered without final decision being taken. Sir J. Craig agreed to meet Mr. Cosgrave. (54042/25.) No record of subsequent proceedings is available: but Mr. Cosgrave returned to Dublin on the 26th November.
- 27th November. Telegram from Irish Free State suggesting further Conference with Messrs. O'Higgins and McGilligan (Minister of Commerce and Industry). (53500/25.)
- 28th November. Law Officers' report to effect that resignation of Dr. MacNeill did not invalidate proceedings of Commission or prevent two remaining Commissioners from making a valid award. (53498/25.)
- 28th November. Conversations with Irish Free State representatives took place at Chequers: in the course of which a letter was received from the Commission giving an outline of the award which the Commission proposed to make, and stating that the Commission proposed to complete and deliver their award on the 7th December. (54388/25.)
- 29th November. Conversations continued at Chequers, with the representatives of the Irish Free State and Sir J. Craig, resulting in certain propositions being drawn up (a) that present boundary should be left undisturbed (b) that rights of British Government under Article 5 of the Treaty should be waived (c) that certain concessions should be given to Northern Ireland as regards Lough Foyle and the Council of Ireland (d) that position of certain prisoners convicted in Northern Ireland should be reviewed by British Government. (54388/25.)
- 30th November. Letter from Mr. O'Higgins to Prime Minister suggesting that British and Free State Governments should jointly ask the Commission to postpone publication of award. (54387/25.)
- 30th November. The Cabinet decided that while it was impossible at that time to agree to complete waiver of British claims under Article 5, conversations might continue on the basis of a partial waiver.
- 1st December. Conversations proceeded with the Irish Free State representatives (including Mr. Cosgrave) on the basis that it was essential for the Irish Free State Government to have some compensation to be used as a lever to abate disappointment in the Irish Free State over the failure (as they regarded it) of the Boundary Commission. This would preferably be on the basis of large concessions made in

Northern Ireland to the Catholic minority (e.g., restoration of proportionate representation): failing that (and the Irish Free State representatives reported that they had been unable to secure any satisfaction on these lines from Sir J. Craig) it would be necessary for them to ask for a waiver of British rights under Article 5. On these terms they would agree that the existing boundary should be maintained. It was agreed that conversations should be continued on the following day. (See notes of meetings in 54042A/25.)

- 1st December. Letter to Boundary Commission asking the Commission to postpone the issue of their determination pending a further communication; and offering an interview with the Prime Minister. The Commission replied agreeing to postpone their award, and asking for an interview. (54389/25.)
- 2nd December. Announcement made in Parliament to the effect that the Commission had agreed temporarily to postpone publication of their award. (54389/25.)
- 2nd December. Conversations with Irish Free State representatives continued. Offer made by Mr. Cosgrave in regard to Article 5 either (i) to take over and repay to British Government all sums expended by them in compensation for damage to property in the Irish Free State, and in addition to pay an extra 10 per cent. on the total sums awarded under the Irish Free State Damage to Property Act, 1923, or (ii) as an alternative, to pay, subject to allowances in respect of a moratorium, £250,000 a year for sixty years. This was considered by the Cabinet who finally decided by a majority to authorize the Chancellor to endeavour to make some favourable arrangement, but failing such, to accept Mr. Cosgrave's proposal at (i) subject to a satisfactory agreement on all outstanding financial questions.
- 3rd December. Agreement was reached on the main heads and a formal agreement was signed. A complete record of the negotiations from 23rd November—3rd December is in 54042A/25.
- 7th December. Irish Free State Bill for confirmation of agreement introduced into Dail. (55180/25.)
- 8th December. Similar Bill passed through all stages in House of Commons. Irish Free State Bill discussed in Dail Eireann.
- 9th December. United Kingdom Bill passed through all stages in House of Lords. Discussion in Dail continued.
- 10th December. United Kingdom Bill received Royal Assent (15 and 16 Geo. V. chap. 77). Discussion in Dail continued.
- 15th December. Irish Free State Bill passed final stages in Dail: Resolution carried in Dail declaring Bill to be necessary for immediate preservation of the public peace and safety and that accordingly provisions of Article XLVII of the Constitution should not apply. (57595/25.)
- 16th December. Irish Free State Bill and Resolution passed through Irish Free State Senate.
- 16th December. Copies of United Kingdom Bill and Debates sent to Dominions. (Despatch Dominions No. 528 on 55192/25.)
- 16th December. Telegram sent to Union of South Africa regarding Mr. Justice Feetham's services. (56341/25.)
- 17th December. Royal Assent signified by Governor-General to Irish Free State Bill (Act No. 40 of 1925). (57595/25.)
- 18th December. Letter from Mr. Justice Feetham to Prime Minister setting out principles on which award of Boundary Commission was to have been based, published in *Times*. (58362/25 and 57943/25.)
- 21st December. Despatches to other Dominions reporting assent given to Irish Free State Bill. (56688/25.)

XIII. IRISH FINANCIAL SETTLEMENT—SUMMARY OF CORRESPONDENCE REGARDING ARTICLE V OF THE ARTICLES OF AGREEMENT OF 6TH DECEMBER, 1921.

No. 157.

MR. THOMAS, as Secretary of State, in letter to Mr. Cosgrave enquired whether Irish Free State Government agreed to nomination of chairman of Commission under Article XII (not then appointed) being also appointed arbitrator under Article V. (20527/24.)

Mr. Cosgrave replied that he was unwilling to agree to this in advance, but did not anticipate any difficulty in reaching agreement as to an arbitrator for Article V. He added an assurance that "we consider Article V just as operative as any other Article of the Treaty." (20527/24.)

A memorandum on the liability of the Irish Free State under Article V was submitted by despatch to the Irish Free State "as a basis for discussion." It assessed the Irish Free State proportion of debt, etc. at 1.5 per cent. which amounted, on the total debt plus capitalized value of pensions, to £130½ millions. This with compound interest from December, 1921, and certain other items left for adjustment at the final settlement made a total of roughly £170 millions. (16983/25.)

Despatch from Irish Free State stating that consideration would be given to the memorandum. (19857/25.)

Despatch to Irish Free State expressing desire of His Majesty's Government that preliminary discussion should take place in early autumn, and asking for views on memorandum submitted on 21st April. (30967/25.)

Despatch from Irish Free State stating that consideration was being given to the question, but that while basis for claim of His Majesty's Government under Article V was comparatively simple, possible subjects of counterclaim by Irish Free State under that Article needed a very wide survey. Moreover, that pending settlement under Article XII it would be premature to enter on any discussion. Also that memorandum submitted on 21st April indicated expectations on behalf of His Majesty's Government so remote from ideas entertained by Irish Free State Government that any discussion would be futile in the absence of a considered exposition of the Irish Free State case. The despatch also enquired (i) as to details of value of transferred property, (ii) as to amount of war pensions payable to persons resident in Irish Free State. (48036/25.)

Despatch to Irish Free State presuming that in present circumstances* it is not desired that any action should be taken in the matter. (52354/25.)

XIV. FORM OF IRISH FREE STATE PASSPORT.

11361/23

No. 158.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5th March, 1923.)

[Answered by No. 159.]

(No. 38.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 2nd March, 1923.

WITH reference to your Grace's despatch No. 45, dated 31st January last,† relative to the future arrangements for the grant of passports to persons resident in the Irish Free State, I have the honour to transmit for the consideration of His Majesty's Government a copy of a form of passport which it is proposed to adopt for

* See the terms of the agreement reached between the Governments as embodied in schedule to the Ireland (Confirmation of Agreement) Act, 1925. (15 & 16 Geo. V ch. 77.)

† 3418/23: not printed.

issue in the Free State. The passports will be issued from the Passport Office of the Ministry of External Affairs, Dublin, and will be printed in Irish, English, and French.

2. As the matter is one of urgency, the Free State Government will be glad if they can be favoured at an early date with His Majesty's Government's views as to the suitability of this proposed form.

I have, &c.,
T. M. HEALY.

Enclosure in No. 158.

Outside Cover.

PASSPORT
(Coat of Arms)
IRISH FREE STATE.

Inside Cover.

On behalf of the Irish Free State, a member of the British Commonwealth of Nations and in the name of His Britannic Majesty, I, Timothy Michael Healy, one of His Majesty's Counsel, Governor-General of the Irish Free State, request all those whom it may concern to allow the bearer.....

.....to pass freely without let or hindrance and to afford.....every assistance and protection of which.....may stand in need.

Given under our hand and seal-at-arms at Dublin this..... day of.....19.....

(Seal)

T. M. HEALY,
Governor-General Irish Free State.

Inside Cover.

IRISH FREE STATE.
DEPARTMENT OF EXTERNAL AFFAIRS.
Information.

1. Applications for passports must be made in the authorised form and enclosed in a cover addressed to "The Passport Officer, Department of External Affairs, Dublin." The charge for a passport is 7s. 6d.

2. Passports are granted:—

- (1) To citizens of the Irish Free State,
- (2) To natural-born British subjects,
- (3) To persons naturalized in the Irish Free State, in Great Britain, in British Dominions or Colonies, or in India.

3. Passports are not available beyond two years from the date of issue. They may be renewed for four further periods of two years each after which fresh passports must be obtained. The fee for each renewal is 2s.

4. Passports must not be sent out of the Irish Free State by post.

11361/23

No. 159.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 160.]

(No. 171.)

SIR,

Downing Street, 27th March, 1923.

I HAVE the honour to request Your Excellency to inform your Ministers that His Majesty's Government have given very careful consideration to your despatch No. 38 of the 2nd March,* and that they desire me to offer the following observations and suggestions on the form of passport enclosed therein.

* No. 158.

2. It will be evident to your Ministers that a passport is a document addressed primarily to foreign governments and their officials, and that consequently every care must be exercised to ensure that the terms and phraseology employed therein are such as will be readily intelligible and contain as few departures from universally recognized forms as circumstances may permit. As a matter of practical administration it will be found that any novel or unfamiliar turn of phrase, however legitimate from the strict constitutional point of view, tends to be productive of inconvenience, delay and embarrassment to the holder.

3. This aspect of the question has caused the Governments of the other Dominions to base the form of passport, issued under their auspices, as closely as possible upon the form issued from the Passport Office in London. This in turn has been modelled on the "International type" recommended by the International Conference on Passports which was held at Paris in October, 1920, under the auspices of the League of Nations. Comparison of a Canadian with a British passport, for example, will reveal that the differences are reduced to the minimum necessary to make it clear that the passport is issued by the Governor-General of Canada and not by the Secretary of State for Foreign Affairs in London.

4. His Majesty's Government would accordingly suggest, for your Ministers' consideration, that in lieu of the phraseology proposed in the draft enclosed in your despatch under reference the following form of words should be used on the inside front cover:—

"We, Timothy Michael Healy, one of His Majesty's Counsel, Governor-General of the Irish Free State,

Request and require in the Name of His Britannic Majesty all those whom it may concern to allow the bearer to pass freely without let or hindrance, and to afford.....every assistance and protection of which.....may stand in need.

(Arms)

T. M. Healy."

5. In regard to the second page of the enclosure to your despatch, it may be observed that the London Passport Office has discontinued the practice of affixing to the inside cover instructions as to the method of application for a passport, on the ground that such instructions are *prima facie* of no great interest to persons to whom passports have already been issued. The page, of which loose specimens are enclosed, is now substituted.

6. In this connexion I feel it necessary to point out that the classification in the second paragraph under the heading "Information" is, in its present form, open to serious misinterpretation. By international usage, it will be within the power of your Government to issue passports only to such citizens of the Irish Free State who are in addition British subjects by birth or naturalization; any Free State citizens who are not also British subjects will normally apply for passports to the foreign governments whose subjects in law they are.

7. It will no doubt be of interest to your Ministers to know that in adapting the passport to book form the following measures have been taken to prevent forgery, erasures and insertion of additional pages:—

(a) The document consists of one continuous sheet folded and bound in such a way as to prevent substitution of pages.

(b) The paper is of a standard quality bearing a water mark.

(c) Over-printing of the pages provides an additional security against forgery.

(d) The use of fugitive ink renders it impossible for alteration or erasures to be made without detection.

8. In conclusion I would observe that in the event of your Ministers meeting with practical difficulties in arranging for the printing and binding of passport forms it is possible for this work to be undertaken on repayment by the Stationery Office in London, who would place the work with the contractors who execute it for the London Passport Office. This procedure has already been adopted at the request of the Government of Newfoundland.

I have, &c.,
DEVONSHIRE,

Enclosure in No. 159.

REGULATIONS.

1. BRITISH passports are issued by the competent authorities throughout the British Empire and by British diplomatic and consular officers abroad. The charge for a British passport is 7s. 6d. Application should be made in the authorized form obtainable from those authorities.

2. Passports are issued in the United Kingdom at the Passport Office, Westminster, London, S.W.1, and at the Branch Passport Office, 36, Dale Street, Liverpool. Passports cannot be issued or renewed at the Passport Office for persons not at the time being in the United Kingdom.

3. Residents in the Irish Free State should make their applications through the Passport Department, Ministry of Home Affairs, Dublin, and residents in Northern Ireland through the Passport Department, Ministry of Home Affairs, Belfast. In the British Dominions or Colonies application should be made to the local authorities.

4. British subjects making their homes or staying for more than three months in a foreign country should be registered at the nearest British Consulate.

5. British passports are not valid beyond two years from the date of issue. They may be renewed for four further periods of two years each, after which, or if at any time there be no further space for visas, a fresh passport must be obtained. The fee for each renewal is 2s.

6. The passport is only available for travel to the countries named on page 4, but may be endorsed for additional countries. The possession of a passport so endorsed does not, however, exempt the holder from compliance with any immigration regulations in force in British or foreign countries or from the necessity of obtaining a visa where required.

7. Passports endorsed as valid for the British Empire are also available for travelling to territory under British protection or mandate, not, however, including Palestine, Mesopotamia, or Egypt, for which countries the passport must be specially endorsed.

Caution.

This passport is a valuable document, and should not be allowed to pass into the possession of any unauthorized person. If lost or destroyed, the fact should be immediately reported to the Passport Office, London, or to the nearest British authority, and to the local police authorities. New passports can only be issued in such cases after exhaustive enquiries.

25689/23

No. 160.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 23rd May, 1923.)

[Answered by No. 161.]

(No. 139.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 22nd May, 1923.

WITH reference to Your Grace's despatch No. 171 of the 27th March,* relative to the proposed issue of passports by my Government, I have the honour to state that my Ministers agree that passports issued by the Irish Government should conform to the "International type" recommended by the International Conference of October, 1920, held under the auspices of the League of Nations.

2. In accordance with Your Grace's suggestions, and in order to avoid any misunderstanding, they agree to adopt the phraseology of the Request proposed in paragraph (4) of Your Grace's despatch, and they also approve of the change suggested in paragraph (5) with regard to the practice of affixing the instructions to the inside cover of the passport.

* No. 159.

3. My Government cannot accept the contention contained in paragraph (4), to the effect that the Irish Free State is precluded from issuing passports to all its citizens. At the same time they fully realize that such Irish citizens as do not also possess "Imperial" British citizenship can only receive as a matter of courtesy the good offices and assistance of British representatives abroad, and that such courtesy cannot be extended to them within the limits of the foreign country of which they were subject prior to becoming citizens of the Irish Free State. In this connexion, however, I would point out the only individuals to whom this would apply would be:—

(a) Persons not formerly British subjects, who have acquired citizenship of the Free State by virtue of Article 3 of the Irish Constitution.

(b) Persons who may in the future be granted local Certificates of naturalization.

In granting passports to applicants belonging to these two categories, my Government would be following the long established practice of Canada, South Africa, and the other Dominions.

4. With regard to the printing and binding of the passport forms, my Ministers are in a position to have the necessary arrangements made through the Stationery Office in Dublin; but they desire to thank Your Grace for the offer of assistance in this matter contained in paragraph (8) of your despatch and for the information contained in paragraph (7) with reference to the measures adopted to prevent forgery, erasures or insertions.

5. As the present temporary arrangement is productive of delay and inconvenience to residents in the Free State, my Government are making preparations for the taking over of this service at an early date, and I shall be grateful if Your Grace will give the necessary directions in order that the requisite forms and documents may be available when required.

I have, &c.,

T. M. HEALY.

25689/23

No. 161.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 162.]

(No. 479.)

SIR,

Downing Street, 10th August, 1923.

I HAVE the honour to refer to Your Excellency's despatch No. 139 of the 22nd May* regarding the proposed issue of passports by the Government of the Irish Free State.

2. Since the receipt of that despatch my advisers have had the advantage of a personal discussion with your Minister of External Affairs on the various points outstanding and, in particular, on the question of the desire of your Ministers to be in a position to issue passports to all persons who are Irish Free State citizens as defined in Article 3 of the Constitution.

3. I understand that it is the desire of your Ministers that passports should be issued by them to persons who are either:—

(a) Citizens of the Irish Free State; or

(b) British subjects, whether by birth or naturalization, ordinarily resident in the Irish Free State.

4. The large majority of Irish Free State citizens are, of course, British subjects, as regards whom no difficulty arises. But a certain number may not be British subjects. It is not the practice of His Majesty's Government or of Dominion Governments to grant passports to persons who are not British subjects, but the exceptional position of the persons, not British subjects, who on the 6th December, 1922, acquired Irish Free State citizenship under Article 3 of the Constitution, is recognized.

* No. 160.

5. In so far as these persons are not nationals of any other State there would appear to be no objection to the grant of passports to them by your Government. But considerable difficulty arises in the case of those who are nationals of another State. The issue of Irish Free State passports to such persons is not unlikely in some cases to arouse criticism on the part of foreign Governments, who are extremely jealous of their right to grant passports to their own nationals. It must be understood that the status of such persons is not, as would appear to be suggested in your despatch, entirely similar to that of a locally naturalized person, who is, within the limits of the Dominion or Colony in which he was locally naturalized, a British subject by naturalization.

6. As far as His Majesty's Government are concerned they are prepared to waive any objection they might feel to the issue of passports by your Government to Irish Free State citizens possessing a foreign nationality on the understanding that this arrangement applies only to the definite class of persons who acquired such citizenship on the 6th December, 1922. It should be clearly understood that the holder of such a passport can only receive as a matter of courtesy the general good offices and assistance of His Majesty's Representatives abroad, and that this courtesy cannot be extended to the holder of the passport when within the limits of the foreign state of which he is citizen or subject. There should be written or stamped on the passport a qualifying clause to the above effect, which would be similar, *mutatis mutandis*, to that quoted in paragraph 32 (ii) of Chap. XXVI of the Consular Instructions. Further, His Majesty's Government attach particular importance both from the point of view of relations with foreign Governments and of the convenience both of the holder of the passport (which is, after all, the primary consideration) and of His Majesty's Consular Officers, to there being a clear indication on the face of the passport whether the holder is or is not a British subject. If it be desired to place in the space on the passport for recording the nationality of the holder the description "Citizen of the Irish Free State," it is important that where the holder is a British subject the fact should always be stated. In the case of all passports issued by other Dominion Governments the invariable description is simply "British subject, by birth, by naturalization, etc."

7. A further question regarding the issue of passports to British subjects arises owing to the geographical proximity of the Free State to this country. His Majesty's Government presume that your Ministers will not wish them to issue a passport in London to a person who, though ordinarily resident in the Irish Free State, may apply to the Passport Office in London, until reference has been made to the appropriate Free State authorities. It is suggested that on the receipt of such an application reference should be made, as in the case of the other self-governing Dominions, to the High Commissioner, who would be in close touch with the passport authorities both in Dublin and in London, and would be in a position, after reference to your Ministers in proper cases, to state whether passports should be issued or refused. Your Ministers will appreciate that in the issue of passports it is necessary as far as possible to consult the convenience of the general public and to make every effort to arrange that there shall be a minimum of delay in all ordinary cases.

8. Similarly His Majesty's Government presume that your Ministers will only grant passports in Dublin to persons actually resident in the Irish Free State and that any persons ordinarily resident in this country who may apply for passports in Dublin will be told that they should address their application to the Passport Office in London or to the Branch Passport Office in Liverpool.

9. There still remain the cases of persons normally resident in parts of the British Empire other than Great Britain and Ireland who may apply for a passport in the Irish Free State; your Ministers will doubtless agree that as a matter of convenience all such cases should be referred to the Passport Office in London, whence the necessary inquiries from the Dominion or Colonial Government concerned can most advantageously and expeditiously be made.

10. In this despatch I have only dealt with the issue of passports to British subjects and to persons who by virtue of Article 3 of the Constitution acquired Irish Free State citizenship on the 6th December last. The number of persons in the latter class is definite and decreasing. If and when legislation under the latter part of Article 3 is undertaken to provide for the future acquisition and termination of such citizenship further consideration of the question of passports will be necessary. I would, however, suggest that the reference to local naturalization as

British subjects in the latter part of the third paragraph of your despatch under reply is hardly appropriate, and I would explain that it has been for some years the policy of His Majesty's Government to discourage local naturalization and to promote Imperial naturalization.

11. Your Ministers will doubtless in due course consider carefully the provisions of Part II of the British Nationality and Status of Aliens Act, 1914. Should your Ministers decide to adopt Part II of that Act it will then be possible for the Government of the Irish Free State by granting Imperial Certificates of British Nationality to remove difficulties in regard to the nationality of citizens of the Irish Free State.

12. I shall be glad to receive the observations of your Ministers upon the considerations set out in the preceding paragraphs and to be informed when your Ministers will be in a position to commence the issue of passports in Dublin, in order that the necessary information may be communicated to the Passport Authorities in this country and to His Majesty's diplomatic and consular officers abroad.

I have, &c.,
DEVONSHIRE.

58284/23

No. 162.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 28th November, 1923.)

[Answered by No. 163.]

(No. 339.)

MY LORD DUKE,

Vice Regal Lodge, Dublin, 27th November, 1923.

I HAVE the honour to refer to Your Grace's despatch No. 479 of the 10th August,* with reference to passports, and to state that the proposals contained therein meet with the general approval of my Ministers.

2. My Ministers note that His Majesty's Government have no objection to the issue of passports by the Government of Saorstát Éireann to Irish citizens who have not acquired the status of British subjects, and they agree (as suggested in paragraphs 6 and 10 of Your Grace's despatch) that the present arrangement shall apply only to such persons as have acquired Irish citizenship on 6th December, 1922, by virtue of Article 3 of the Constitution. When legislation, as contemplated by that Article is introduced into the Oireachtas, dealing with the future acquisition and termination of Irish citizenship, this matter will naturally come up for further consideration.

3. As suggested in paragraph 6 of Your Grace's despatch, my Ministers propose to have inscribed on the passports of all persons in the above-mentioned category, the following qualifying clause:—

"This passport is granted with the qualification that the holder is a citizen of the Irish Free State by virtue of Article 3 of the Irish Constitution, but has not acquired the status of a British subject, and that beyond the limits of the Irish Free State he can only receive as a matter of courtesy the general good offices and assistance of His Britannic Majesty's Representatives abroad. This courtesy cannot be extended to the holder when within the limits of the foreign state of which he was a subject or citizen prior to his acquiring Irish citizenship unless he has ceased to be a citizen or subject of that State in contemplation of the laws thereof or in pursuance of a treaty to that effect."

4. This qualifying clause will appear on all passports granted to Irish citizens who do not possess the status of British subjects, but these will be so few in number that they may be regarded as exceptional. With regard to passports granted to Irish citizens who do possess that status (i.e. the vast majority of applicants), my Ministers consider that in view of the fact that the "Request" in the passport is addressed solely in the name of His Majesty and not on behalf of the Irish Free

State in response to the desire expressed in Your Grace's despatch No. 171 of the 27th March*), the status of British subjects is clearly indicated in that Request, and needs no further definition in the body of the passport; whereas the majority of the Irish people would wish to have their Irish citizenship clearly stated.

5. The proposed arrangements contained in paragraphs 7, 8, and 9 of the despatch under reply meet with the complete approval of my Ministers.

6. With regard to the question of naturalization, in general, and the British Nationality and Status of Aliens Act, 1914, in particular, my Ministers have not yet had occasion to consider in detail the position as it affects the Irish Free State.

7. It is the intention of my Ministers to begin issuing passports in the immediate future and I shall be grateful if foreign countries and the British officials concerned are informed accordingly.

I have, &c.,
T. M. HEALY.

59752/23

No. 163.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 166.]

(No. 722.)

SIR, Downing Street, 14th December, 1923.
I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 339 of the 27th November,† regarding the issue of passports by the Government of the Irish Free State.

2. I have to request that your Ministers may be informed that, after very careful consideration, His Majesty's Government find themselves in full sympathy with the proposals set forth in your despatch under acknowledgment, except as regards the proposal to exclude the definition "British subject" from each passport held by an Irish Free State Citizen possessing that status.

3. His Majesty's Government find it difficult to recede from the view expressed in the sixth paragraph of my despatch No. 479 of the 10th August,‡ that it is necessary from the point of view of relations with foreign governments and of the convenience both to the holder of the passport and to His Majesty's Consular Officers that there should be a clear indication on the face of the passport whether the holder is or is not a British subject. It is indeed most desirable from both points of view that the same phraseology should be followed as authorized in paragraph 6 of Chapter XXVI of the General Consular Instructions: "British subject by birth," etc. It will be necessary for British consular officers abroad to use these descriptions in any case; and it is very desirable that the same descriptions should be used by the officials of the Irish Free State on the passports of their citizens possessing the status of British subjects, in order to avoid confusion. There is, however, no reason in such cases why the description "Citizen of the Irish Free State" should not follow that of the category of British subject to which the holder of the passport belongs.

4. His Majesty's Government concur in the terms of the qualifying clause adopted by your Ministers for insertion in the passports of all citizens who had not acquired the status of British subjects on 6th December, 1922, by virtue of Article 3 of the constitution of the Irish Free State; and I have to point out in this connexion that the retention of the words "British subject" on the passports of all Irish Free State citizens possessing that status is the only means likely to be regarded as satisfactory for foreign governments in explaining to all concerned that the holder of such a passport is a British subject as well as a citizen of the Irish Free State.

5. I trust that, on reconsideration, your Ministers will see their way to concur in this view. Subject to such concurrence, it is suggested that the 1st January, 1924, would be a convenient date for the complete transfer to your Government of the general issue, renewal and endorsement of passports for persons normally resi-

* No. 159. † No. 162. ‡ No. 161.

dent in the Irish Free State. If this suggestion is in accordance with your Ministers' wishes, steps will be taken to notify His Majesty's representatives abroad and all other authorities concerned of the new procedure contemplated.

I have, &c.,
DEVONSHIRE.

6174/24

No. 164.

MR. J. H. THOMAS (COLONIAL OFFICE) to MR. A. PONSONBY
(FOREIGN OFFICE).

[Answered by No. 165.]

(Extract.)

DEAR PONSONBY, Downing Street, 9th February, 1924.
As I mentioned to you last night on the telephone, the Colonial Office has been asked to arrange for Mr. Desmond Fitzgerald, Minister for External Affairs in the Irish Free State, to see you on the subject of passports. It is probable that he will also raise the question of the separate representation of the Irish Free State at Washington. As the Foreign Office and Colonial Office are jointly interested in both these matters, it would probably save Mr. Fitzgerald's time if he were to discuss them with representatives of both offices together. I am not proposing that course, however, because I wish it to be clear to him from the outset that, so far as the Colonial Office is concerned, it is far from our wish to discourage his having direct access to the Foreign Office.

So far as passports are concerned, the point at issue is as follows. The Free State Government are properly anxious that arrangements should be made whereby in future passports can be issued by themselves to persons domiciled in their area. The Foreign Office insist that where such a person is a "British subject by birth" the fact must appear on the passport. They have no objection to the addition of the words "Citizen of the Irish Free State." The Free State desire the omission of the words "British subject by birth."

The Foreign Office is, of course, concerned with the more technical aspects of this question. In discussing these with Mr. Fitzgerald it is, however, essential that you should know the position which the Colonial Office will have to maintain with the Free State Government when dealing with the political issues raised by their demand. The Treaty settlement involved a definite concession on both sides. Subject to the reservation of certain minor rights in respect of naval defence the British Government offered to concede to the people of the Irish Free State all powers of Government to the same extent as in Canada, provided that the people of the Irish Free State were prepared, like the people of Canada, to retain their status as British subjects. The retention of a citizenship common to the whole British Commonwealth was the essence of the Agreement so far as Great Britain was concerned. We cannot therefore ask foreign governments throughout the world to recognize Irish passports from which the real international status of the holder is expressly omitted, without knocking the bottom out of the Treaty. To do so, moreover, would destroy all hopes that Northern Ireland would ever agree to unite with the South. In a matter like this we cannot afford to depart one inch from the spirit and letter of the Treaty.

I have reason to think that the Irish Free State have no objection to an admission of common citizenship on the face of the passports. It is the term "subject" which creates the difficulty. Great importance, I find, is attached to this word in the Home Office as well as in the Foreign Office. Those authorities must argue their own case, but it is possible that Mr. Fitzgerald may suggest that the situation would be eased by the use of some formula which would avoid the use of the word *subject*—e.g. "British citizen by birth." This would obviously raise a large question in which not only you, but also the Home Office as well as ourselves are interested.

Yours sincerely,
J. H. THOMAS.

503

8204/24

No. 165.

MR. A. PONSONBY (FOREIGN OFFICE) to MR. J. H. THOMAS
(COLONIAL OFFICE).

DEAR THOMAS,

Foreign Office, S.W.1, 16th February, 1924.

ON receipt of your letter of the 9th instant,* I arranged to receive Mr. Fitzgerald here on the morning of the 14th, after consulting the Prime Minister as to the attitude which he would wish me to adopt in regard to the wording of Irish Free State passports, and the question of separate representation of the Irish Free State at Washington.

I enclose for your information a brief summary of my somewhat lengthy conversation with Mr. Fitzgerald. The line which Mr. MacDonald instructed me to take was:—

1. That the words "British subject by birth," etc., must be retained on the passports issued by the Irish Free State Government; and
2. that the question of Irish representation at Washington would not arise until a settlement has been reached in regard to the form of representation which the Canadian Government would have there.

This latter question was only touched on cursorily at the close of our interview.

May I suggest that you may like to communicate a copy of this correspondence to the Home Office, who are equally interested with our two departments in the passport question?

Yours sincerely,
ARTHUR PONSONBY.

Enclosure in No. 165.

EXTRACT FROM A SUMMARY OF A CONVERSATION BETWEEN MR. A. PONSONBY AND
MR. D. FITZGERALD.

MR. FITZGERALD called to-day by appointment, and in a long discussion with me reiterated the reasons for which the Irish Free State Government object to the term "British subject by birth," etc., on Irish Free State passports. He declared that it was politically impossible for the Irish Free State Government to accept this designation at the present time. They had had to cope with a very delicate situation, which was now improving, and it was essential that no step should be taken which would revive the great difficulties which they hope they have now overcome. Mr. Fitzgerald explained that, to the average Irish citizen, the term "British" is synonymous with "English," and that now that the impression prevailed in Southern Ireland that the Free State had acquired its freedom, it would be quite impossible for the Government, in issuing passports under these new conditions, to describe the holders as "British subjects"—a term which would be interpreted by the applicants as "subjects of England." He expatiated on the disastrous effect which the issue of passports in this form would have from the point of view of propaganda, especially in the United States of America. He said that, in his view, the issue of the passport in the name of the King was quite sufficient indication of the nationality of the holder, and he urged that it should be left to the choice of the applicant to be described either as a "British subject" or as a "citizen of the Irish Free State." He also, in the course of conversation, suggested the possibility of adopting another form of words, such as "a citizen of the Irish Free State within the British Commonwealth."

I assured Mr. Fitzgerald that I fully sympathized with the difficulties which the Free State Government experienced in the delicate situation which they had passed through, but pointed out that the expression "British subject" was one universally employed on passports for describing persons of British nationality, that Irish Free State citizens who were British subjects should, in this respect, be treated in the same way as all other members of the British Empire in being so described, and that it was impossible in the issue of official documents of this nature to agree to any modification of the accepted practice on account of political and sentimental considerations which, as I hoped and believed, were of a temporary

* No. 164.

nature. It was also pointed out to Mr. Fitzgerald that any departure from the accepted practice would be a breach of the Articles of Agreement by which the Irish Free State was constituted, and might very possibly give rise to demands for similar departures on the part of the inhabitants of other parts of the British Dominions, which would lead to a most complicated and chaotic situation. No action of the kind proposed could, therefore, be contemplated without full consultation with all the other Governments of the British Empire, and in my opinion it would be most undesirable to raise such a question. Difficulties would also inevitably arise with foreign Governments, whose officials would not be disposed to accept, without further inquiry, descriptions of British subjects on their passports in terms with which they were hitherto entirely unfamiliar.

Mr. Fitzgerald continued to press his arguments, and to set forth his difficulties, and stated that the Irish Free State Government was so embarrassed by the requirement of using the term "British subject" on passports issued by them, that up to the present they had deferred issuing any passports at all. This position could not continue indefinitely, and the matter required urgent settlement.

I replied that a final decision on the question did not, of course, rest with me, but that I was glad to have had an opportunity of explaining the position as indicated above, to Mr. Fitzgerald.

ARTHUR PONSONBY.

14th February, 1924.

10635/24

No. 166.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6th March, 1924.)

[Answered by No. 167.]

(No. 80.)

SIR,

Vice Regal Lodge, Dublin, 4th March, 1924.

WITH reference to the Duke of Devonshire's despatch No. 722 of the 14th December, 1923,* regarding the issue of passports by the Government of the Irish Free State, I have the honour to state that my Ministers have given the matter further careful consideration and in order to meet the difficulties raised by His Majesty's Government, they would be prepared to agree to describe holders of passports, other than those described in paragraph 3 below, as "Citizen of the Irish Free State and of the British Commonwealth of Nations."

2. This description would, in the view of my Ministers, remove all possibility of confusion by His Majesty's consular officers abroad or by foreign governments.

3. In the case of persons who acquired Irish citizenship on 6th December, 1922, by virtue of Article 3 of the Constitution, the words "and of the British Commonwealth of Nations" would be omitted from the description on the passport and the qualifying clause set out in paragraph 3 of my despatch No. 339 of the 27th November, 1923,† would be inscribed in each case.

I have, &c.,
T. M. HEALY.

13768/24

No. 167.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 217.)

SIR,

Downing Street, 5th April, 1924.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch No. 80 of the 4th March,‡ relative to the description of the holder's nationality to be inserted in passports issued by your Government.

* No. 163. † No. 162. ‡ No. 166.

2. I shall be glad if you will remind your Ministers that this matter is dealt with in Chapter XXVI of the Consular Instructions which are issued for the guidance of British representatives throughout the world. These Instructions were based on the Resolutions of the International Conference held at Paris in October, 1920, with which the self-governing Dominions expressed their concurrence.

3. In these circumstances, His Majesty's Government, having given full and careful consideration to your Ministers' proposal, regret that they do not see their way to introducing any amendments or modifications into the Instructions in question, and feel bound to adhere to the position set forth in my predecessor's despatch No. 722 of the 14th December last.*

I have, &c.,
J. H. THOMAS.

17260/24

No. 168.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th April, 1924.)

[Answered by No. 169.]

(No. 122.)

SIR, Vice Regal Lodge, Dublin, 7th April, 1924.
My Ministers desire me to inform you that the issue of Irish Free State passports to the general public was begun as from the 3rd instant.

I have, &c.,
T. M. HEALY.

20647/24

No. 169.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 288.)

SIR, Downing Street, 13th May, 1924.
I HAVE the honour to acknowledge the receipt of your Excellency's despatch No. 122 of the 7th April† stating that the issue of Irish Free State passports to the general public was begun as from the 3rd April.

2. It has been observed in certain examples of these passports which have been presented by the holders to the appropriate authorities in London for special endorsement, that the holder's nationality is described as "Citizen of the Irish Free State and of the British Commonwealth of Nations." His Majesty's Government regret that your Ministers have not seen their way to adopting the terminology employed in all other parts of the British Empire in respect of the description of national status, and for the reason given in earlier communications on the subject they have found it impossible to authorise the desired endorsement on the passports in question.

3. Arrangements have accordingly been made for the issue to the applicants of new passports on which their national status has been described as "British subject." It has further been judged necessary, in order to avoid possible misunderstanding, to inform British Consular and Passport Control Officers in foreign countries that in the event of any passport being presented to them in which the description "British subject," either by itself or before "citizen of the Irish Free State," does not appear they should decline to recognize the passport and should not affix any endorsement or visa to it.

4. Steps are also being taken to bring the circumstances to the notice of the other Governments within the Empire, including those of the other self-governing Dominions.

I have, &c.,
J. H. THOMAS.

* No. 163. † No. 168.

22013/24

No. 170.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 172, 173 and 174.]

(Canada.	} Confidential (2).)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	
(Southern Rhodesia. Confidential.)	

[MY LORD,] [SIR,] Downing Street, 11th June, 1924.
I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of Circulars to His Majesty's Consular and Passport Control Officers on the subject of the issue of passports by the Irish Free State.

2. I shall be glad if the Circulars may be brought to the notice of all officers concerned with the grant of endorsements or visas on passports in [Canada.] [Australia.] [New Zealand.] [the Union of South Africa.] [Newfoundland.] [Southern Rhodesia.]

[Not to Southern Rhodesia: 3. Similar despatches have been sent to the Governors-General of [To Canada: the Commonwealth of Australia, New Zealand and the Union of South Africa, and the Governor of Newfoundland.] [To Australia: Canada, New Zealand and the Union of South Africa, and the Governor of Newfoundland.] [To New Zealand: Canada, the Commonwealth of Australia and the Union of South Africa, and the Governor of Newfoundland.] [To Union of South Africa: Canada, the Commonwealth of Australia and New Zealand, and the Governor of Newfoundland.] [To Newfoundland: Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa.]]

I have, &c.,
J. H. THOMAS.

Enclosure 1 in No. 170.

(Circular.)

Foreign Office, 5th May, 1924.

Issue of Passports by the Irish Free State.

SIR, I AM directed by Mr. Secretary Ramsay MacDonald to inform you that the question of the issue of passports by the Irish Free State has been under discussion between His Majesty's Government and the Government of the Irish Free State.

2. His Majesty's Government take the view that it is desirable that passports issued by the Government of the Irish Free State should conform generally to those issued in Great Britain and Northern Ireland and in the other Dominions, and especially that, under the description of the national status of the holder, the words "British subject" should appear as laid down in the General Consular Instructions (Chapter XXVI).

3. His Majesty's Government have agreed to the expression "Citizen of the Irish Free State" being inserted after the words "British subject." The Government of the Irish Free State have, however, issued passports describing the holder as "Citizen of the Irish Free State and of the British Commonwealth of Nations." His Majesty's Government cannot recognize any passport containing this description of the holder.

4. In the event of any passport being presented to you in which the description "British subject," either by itself or before "Citizen of the Irish Free State," does not appear, you should decline to recognize the passport, and should not affix any endorsement or visa to it.

I am, &c.,
EYRE A. CROWE.

His Majesty's Consular
and Passport Control Officers.

[D. 24707/24]

Enclosure 2 in No. 170.

(Circular.)

Foreign Office, 17th May, 1924.

Issue of Passports by the Irish Free State.

SIR,

WITH reference to Foreign Office Circular of the 5th May, 1924, relative to the passports issued by the Government of the Irish Free State, I am directed by Mr. Secretary Ramsay MacDonald to remind you that under the terms of the Constitution of the Irish Free State there is a certain category of persons who were domiciled in the Irish Free State at the time, and who thereby acquired the status of a "citizen of the Irish Free State," but are not British subjects.

2. His Majesty's Government have agreed to the issue of passports to such persons by the Government of the Irish Free State. In such cases the holder is described in the passport as "Citizen of the Irish Free State (see p. 5)," and on p. 5 of the passport the following clause is inserted:—

"This passport is granted with a qualification that the holder is a citizen of the Irish Free State by virtue of Article 3 of the Irish Constitution but has not acquired the status of a British subject, and that beyond the limits of the Irish Free State he can only receive as a matter of courtesy the general good offices and assistance of His Majesty's representatives abroad. This courtesy cannot be extended to the holder when within the limits of the foreign State of which he was a subject or citizen prior to his acquiring Irish citizenship unless he has ceased to be a citizen or subject of that State in contemplation of the laws thereof or in pursuance of a treaty to that effect."

3. I am to inform you that such passports may be recognized, and that the holders may be regarded as British-protected persons and accorded the good offices of British consular officers abroad to the extent indicated in the clause quoted in paragraph 2 above. The procedure to be followed in these cases is quite distinct from that prescribed in Foreign Office Circular of the 5th May for cases where the holder of an Irish Free State passport is both a British subject and an Irish Free State citizen.

I am, &c.,
EYRE A. CROWE.

His Majesty's Consular
and Passport Control Officers.

22013/24

No. 171.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by No. 172.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Confidential.)

[MY LORD,] [SIR,]

Downing Street, 12th June, 1924.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, the accompanying copies of correspondence* with the Governor-General of the Irish Free State regarding the issue of passports by the Irish Free State Government.

2. His Majesty's Government think it desirable to communicate this correspondence to your Ministers as it explains the circumstances in which they have found it necessary to make the request in my Confidential despatch of the 11th of June.†

* Nos. 161, 162, 163, 166, 167, 168 and 169. † No. 170.

3. Similar despatches are being addressed to the Governors-General of [To Canada: the Commonwealth of Australia, New Zealand and the Union of South Africa and the Governor of Newfoundland.] [To Australia: Canada, New Zealand and the Union of South Africa and the Governor of Newfoundland.] [To New Zealand: Canada, the Commonwealth of Australia and the Union of South Africa and the Governor of Newfoundland.] [To Union of South Africa: Canada, the Commonwealth of Australia and New Zealand and the Governor of Newfoundland.] [To Newfoundland: Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa.]

I have, &c.,
J. H. THOMAS.

40734/24

No. 172.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 26th August, 1924.)

(Confidential.)

SIR,

Governor-General's Office, Cape Town, 8th August, 1924.

I HAVE the honour to transmit to you herewith, with reference to your despatches Confidential (2) of the 11th June, 1924,* and Confidential of the 12th June, 1924,† copy of a Minute from Ministers on the subject of the issue of passports by the Irish Free State Government.

I have, &c.,
ATHLONE,
Governor-General.

Enclosure in No. 172.

Prime Minister's Office, 6th August, 1924.

MINUTE 589.

MINISTERS have the honour to refer to His Excellency the Governor-General's Minutes No. 61/657 and No. 61/658 of the 5th of July, 1924, with reference to the issue of passports by the Irish Free State Government, and to state that the request contained in the 2nd paragraph of the despatch, dated 11th June, 1924,* addressed to His Excellency by the Secretary of State for the Colonies has had the serious consideration of Ministers.

2. Ministers are of opinion that the question as to the description of citizens of the Irish Free State on passports issued by the Government of that Dominion is a matter between His Majesty's British and His Majesty's Irish Free State Governments respectively.

3. Ministers consequently realize that refusal on their part to recognize passports issued by the Irish Free State Government as requested by His Majesty's British Government because of any difference in opinion between the two Governments as to how the citizens of the Irish Free State are to be described will amount to their interference and judgment in a matter which does not immediately concern them. They feel, however, that their recognition of such passports for the present cannot prejudice the question at issue understanding as they do that the description upon which the Irish Free State Government insists clearly implies that citizens of the Irish Free State are also subjects of His Britannic Majesty.

Should any other description later on be agreed upon by the Governments concerned Ministers will be pleased to take the necessary steps to have the same recognized and adopted by the authorities of the Union.

J. B. M. HERTZOG.

* No. 170. † No. 171.

43961/24

No. 173.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th September, 1924.)

(Confidential.)

SIR, Government House, Wellington, 13th August, 1924.
 WITH reference to your despatch, Confidential (2) of the 11th June,* relative to the issue of passports by the Irish Free State, I have the honour to inform you that my Ministers advise me that action will be taken by the New Zealand Government, as desired.

I have, &c.,
 JELICOE,
 Governor-General.

49610/24

No. 174.

COMMONWEALTH OF AUSTRALIA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21st October, 1924.)

(Confidential.)

SIR, Governor-General's Office, Melbourne, 10th September, 1924.
 WITH reference to your despatch dated 11th June, 1924, Confidential (2),* on the subject of the issue of passports by the Irish Free State, I have the honour, at the instance of the Prime Minister, to inform you that, with regard to cases where a passport describes the holder as "Citizen of the Irish Free State and of the British Commonwealth of Nations," it is not proposed to refuse the holder permission to land in Australia, but in conformity with the instructions issued by the Foreign Office, Passport Officers in Australia are being instructed that they should not affix any endorsement or visa to such passports, or otherwise recognize them.

I have, &c.,
 L. F. CUSSEN,
 Deputy of the Governor-General.

44053/24

No. 175.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.	} Confidential.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	
(Southern Rhodesia.	

[MY LORD,] [SIR,] Downing Street, 20th November, 1924.
 WITH reference to my Predecessor's [Confidential (2)] [Confidential] despatch of the 11th June,* I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of a Circular to His Majesty's Consular and Passport Control Officers on the subject of Irish Free State passports.
 [Not to [6]: 2. Similar despatches have been sent to the Governors-General of [To Canada: the Commonwealth of Australia, New Zealand, and the Union of South Africa and the Governor of Newfoundland.] [To Australia: Canada, New Zealand, and the Union of South Africa and the Governor of Newfoundland.]

* No. 170.

[To New Zealand: Canada, the Commonwealth of Australia, and the Union of South Africa and the Governor of Newfoundland.] [To Union of South Africa: Canada, Commonwealth of Australia, and New Zealand and the Governor of Newfoundland.] [To Newfoundland: Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa.]]

I have, &c.,
 L. S. AMERY.

Enclosure in No. 175.

(Circular.)

Foreign Office, 2nd September, 1924.

Irish Free State Passports.

SIR,

WITH reference to Foreign Office Circular of the 5th May last, I am directed by Mr. Secretary Ramsay MacDonald to inform you that it has been decided that if a Consular Officer to whom is presented an Irish Free State passport, issued to a British subject, in which the description "British subject" does not appear, is satisfied that the holder is in fact a British subject, he may, if the applicant so wishes, give an ordinary British passport in exchange for the Irish Free State passport. It is very desirable to take all possible steps to ensure that all British subjects are in possession of passports which are in the recognized form, and Consular Officers are therefore authorized in those circumstances to waive the usual fee of 7s. 6d. for the issue of a passport, provided the Irish Free State passport is surrendered.

2. Any passport issued by the Irish Free State authorities and presented to you for endorsement or for any other purpose by the holder should be allowed to remain in his hands unless, as will no doubt generally be the case, he is prepared to exchange it voluntarily for a passport issued to him by you, such issue being gratis when the Irish Free State passport does not contain the description "British subject."

I am, &c.,
 EYRE A. CROWE.

His Majesty's Consular and
 Passport Control Officers.

D. 12629/26

No. 176.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 396.)

SIR,

Downing Street, 27th November, 1926.

WITH reference to the correspondence terminating with Your Excellency's despatch No. 80 of the 4th March, 1924,* and my predecessor's reply No. 217 of the 5th April, 1924,† on the subject of the description of the holder's nationality to be inserted in passports issued by the Government of the Irish Free State, I have the honour to request you to inform your Ministers that the opportunity of the Imperial Conference has been taken to discuss the matter further with Mr. Fitzgerald with a view to arriving at a solution of the question which would be satisfactory to both Governments.

2. It was felt that a settlement of the question should be sought that would be in accordance with the general principles underlying the Report of the Inter-Imperial Relations Committee. On this basis Mr. Fitzgerald suggested as a suitable settlement that Irish Free State passports should be issued by the appropriate Minister in the name of the King designated by his new title in full, and that the holder of such a passport should (if technically a British subject) be described therein as "one of His Majesty's subjects of the Irish Free State."

* No. 166. † No. 167.

3. His Majesty's Government in Great Britain have given careful consideration to this suggestion and are ready to concur therein on the understanding (which is believed to accord with the existing practice) that if any applicant for a passport desires to obtain a passport in which he is described as a "British subject" he can obtain such a passport.

4. His Majesty's Government in Great Britain will be prepared, on learning that this proposal and understanding are in accordance with the wishes of your Ministers, to instruct His Majesty's representatives abroad accordingly.

I have, &c.,

L. S. AMERY.

D. 12629/26

No. 177.

IRISH FREE STATE.

MR. H. F. BATTERBEE (DOMINIONS OFFICE) to MR. D. FITZGERALD
(MINISTER FOR EXTERNAL AFFAIRS).

DEAR MR. FITZGERALD, Downing Street, 27th November, 1926.

We are sending by to-day's mail an official despatch* on the subject of the passport question on the lines agreed upon between us.

I understand from my talks with you that it is contemplated that (1) Irish Free State passports will be issued in future by the Minister for External Affairs instead of the Governor-General. This is clearly in accord with the general principles of the Report of the Inter-Imperial Relations Committee, and there would seem no possible objection to it; (2) that they will be issued by him in the name of the King (setting out his new title in full).

The latter change must clearly wait until the necessary legislation is passed and you will probably think it desirable that the former change should wait until both changes can be made together. There seems no reason, however, why the alteration in the description of the recipient of the passport should not be made at once.

As I told you on Wednesday—on hearing that the settlement now proposed is accepted, the Secretary of State for Foreign Affairs will be happy, pending the change, to instruct Consular and Passport Control Officers to waive the objection to any passports containing the description hitherto used by the Irish Free State authorities that may have been issued before the new arrangement comes into force.

Yours sincerely,

H. F. BATTERBEE.

XV. OFFICIAL CHANNEL OF COMMUNICATION BETWEEN HIS MAJESTY'S GOVERNMENTS IN GREAT BRITAIN AND IN THE DOMINIONS.

(Section IV (b) of Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926, page 16 of Cmd. 2768).

D. 12737

No. 178.

IRISH FREE STATE.

MR. L. S. AMERY (DOMINIONS OFFICE) to MR. T. M. HEALY
(GOVERNOR-GENERAL).

(Private and Personal.)

MY DEAR GOVERNOR-GENERAL, Downing Street,
24th December, 1926.

I HAVE been thinking over the question of alteration of the existing practice as regards official correspondence with the Dominion Governments, which was contemplated in sub-section (b) of Section 4 of the Report of Lord Balfour's Committee on Inter-Imperial Relations.

As you will, no doubt, be discussing the matter with Mr. Cosgrave, you may like to know that our interpretation of the sub-section is that it would be most appropriate for any formal proposals for change to come, not from here, but from those Dominion Governments which desire it.

Similarly, it is hardly I think for us to suggest the procedure for keeping the Governor-General informed in the sense contemplated at the end of the sub-section in question, though we should of course wish to be assured that satisfactory arrangements had been made in this respect before any change takes place in the channels of communication.

One or two points have occurred to me in connexion with the matter generally. First, it would probably be convenient if the change could take effect, as regards official communications from here, on the same date for all the Dominions which desire a change. This would in any case involve some delay, since obviously it would be necessary to wait until the Prime Ministers of Australia and New Zealand have returned and have had an opportunity of consulting with their colleagues and of discussing the matter with the respective Governors-General. Apart from this, we should like good notice of a change, since various details will require adjustment. Perhaps a convenient date might be 1st July.

Secondly, it would seem desirable to arrange some uniform plan as regards ceremonial messages from His Majesty the King. These ought, I think, to be addressed to the Governor-General, and might be sent from here to the appropriate Dominion Minister in the form of a message from His Majesty to the Governor-General.

Yours sincerely,

L. S. AMERY.

D. 12737/26

No. 179.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 3.30 p.m., 24th December, 1926.)

TELEGRAM.

(Canada.)

(Union of South Africa.)

24TH DECEMBER. Private and Personal. I have been thinking over the question of alteration of the existing practice as regards official correspondence with the Dominion Governments which was contemplated in sub-section (b) of Section 4 of the Report of Lord Balfour's Committee on Inter-Imperial Relations.

As you will no doubt be discussing matter with [Mackenzie King] [Hertzog] you may like to know that our interpretation of the sub-section is that it would be most appropriate for proposals for change to come not from here but from those Dominion Governments which desire it.

Similarly, it is hardly, I think, for us to suggest procedure for keeping Governor-General informed in sense contemplated at end of sub-section in question though we should of course wish to be assured that satisfactory arrangements had been made in this respect before any change takes place in the channels of communication.

One or two points have occurred to me in connexion with matter generally. First, it would probably be convenient if change could take effect, as regards official communications from here, on same date for all Dominions which desire a change. This would in any case involve some delay, since obviously it would be necessary to wait until Prime Ministers of Australia and New Zealand have returned and have had opportunity of consulting with their colleagues and of discussing matter with respective Governors-General. Apart from this we should like good notice of a change, since various details will require adjustment. Perhaps a convenient date might be 1st July.

Secondly, it would seem desirable to arrange some uniform plan as regards ceremonial messages from His Majesty the King. These ought, I think, to be addressed to Governor-General, and might be sent from here to appropriate Dominion Minister in the form of a message from His Majesty to Governor-General.

—AMERY.

D. 12737

No. 180.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 3.30 p.m., 24th December, 1926.)

TELEGRAM.

PRIVATE and Personal. With reference to your telegram of 8th November, Private and Personal.* You will now have had opportunity of reading full Report of Committee of Imperial Conference on Inter-Imperial Relations. I had certainly gathered from conversation with your Prime Minister before his departure that he had not contemplated any change at present in official channels of communication as regards Newfoundland. I should be grateful if you would bear this in mind in any conversation with regard to Report generally which you may be having with your Prime Minister.—AMERY.

D. 13768

No. 181.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.40 a.m., 30th December, 1926.)

TELEGRAM.

29TH DECEMBER. My Ministers have now considered the conclusions arrived at in the Imperial Conference as to official channel of communication between His Majesty's Government in Great Britain and His Majesty's Dominion Government.

My Ministers consider it advisable to institute procedure of direct communication between Government and Government recommended in the Conference discussion as soon as possible. It is understood that this would imply that cable or postal communication from His Majesty's Government in Great Britain for His Majesty's Government in Canada would normally be directed by the Secretary of State for Dominion Affairs to the Secretary of State for External Affairs, and that communications from His Majesty's Government in Canada for His Majesty's Government in Great Britain would be directed by the Secretary of State for External Affairs to the Secretary of State for Dominion Affairs or to the High Commissioner for Canada in London, as circumstances indicate. It is also understood that the practice of direct communication between Prime Ministers as occasion requires is to continue. Provisions as to the transfer of cyphers and codes would also require consideration.

Arrangements will be made for supplying me with copies of all documents of importance.

My Ministers would be pleased to learn what would be the earliest date upon which it would be convenient for His Majesty's Government in Great Britain to begin the new procedure.—WILLINGDON.

* 12381/26: not printed.

CO 886/10/5

816

500

Dominions

No. 91.

817

510

CONFIDENTIAL.

CORRESPONDENCE

[1923—1924]

RELATING TO THE

IMPERIAL CONFERENCE, 1911, IMPERIAL WAR CONFERENCES OF 1917 AND 1918, IMPERIAL MEETINGS, 1921, IMPERIAL CONFERENCE, 1923, AND THE IMPERIAL ECONOMIC CONFERENCE, 1923.

(Including certain correspondence in 1922 regarding the arrangements for the Imperial Conference and the Imperial Economic Conference, 1923.)

(In continuation of Dominions Nos. 73 and 83: continued by Dominions No. 95.)

	PAGE
I.—Correspondence arising out of the Resolutions of the Imperial Conference, 1911.	1
Resolution VIII.—Provision for Deserted Wives and Children	1
Resolution XXV.—Mutual Enforcement of Judgments and Orders of Courts of Justice	31
II.—Correspondence arising out of the Resolutions of the Imperial War Conference, 1917.	32
Resolution V.—Trade Commissioner Service	32
Resolutions VIII. and XII.—Care of Soldiers' Graves.	36
Resolution XIII.—Imperial Mineral Resources Bureau	39
Resolution XV.—Double Income Tax.	40
Resolution XXI.—Imperial Preference	47
III.—Correspondence arising out of the Resolutions of the Imperial War Conference, 1918.	51
Resolution I.—Imperial War Graves Commission (see under Resolutions VIII. and XII. of Imperial War Conference 1917)	
Resolution XII.—Inter-Imperial Parcels Delivery.	51
Resolution XV.—Channels of Communication	53
Resolution XVI.—Imperial Mineral Resources Bureau (see under Resolution XIII. of Imperial War Conference 1917)	
Resolution XVIII.—Petroleum	55
Resolutions XIX and XX.—Nationality and Naturalization	57
IV.—Imperial Meetings, 1921.	
Summary of Proceedings and Documents (Cmd. 1474)	
Section VII (a).—Imperial Air Communications	61
Section VII (b).—Imperial Wireless Scheme	62
Correspondence relating to the payment to the Government of Newfoundland of a Tax in respect of the landing at Harbour Grace of one of the Imperial Cables	72
Naval Wireless Telegraph Station at St. John's, Newfoundland	75
Section XI.—Empire Patent	80
Section XII.—Nationality (see under Resolutions XIX. and XX. of Imperial War Conference 1918)	
V.—Validity of International Marriages.	81
VI.—Liability of Dominion and Foreign Governments to United Kingdom Taxation.	84
VII.—Proposed Duplication of Pacific Cable.	89
VIII.—Importation of Animals Act, 1922.	91
IX.—Status of Dominion Trade Commissioners in Foreign Countries.	98
X.—Arrangements for Imperial Conference and Imperial Economic Conference, 1923.	102
Procedure as to direct communication with Australian States on matters arising out of the Imperial Economic Conference, 1923... .. .	153

XI.—Imperial Conference, 1923

Summary of Proceedings (Cmd. 1987)

(i). Status of High Commissioners	157
(a). Precedence of High Commissioners	157
(b). Taxation of High Commissioners	163
(ii). Nationality Questions	167
(iv). Publication of Official Correspondence	175

XII.—Imperial Economic Conference, 1923.

Summary of Conclusions (Cmd. 1990) : Report (Cmd. 2009)

1. Oversea Settlement within the Empire	177
2. Co-operation in Financial Assistance to Imperial Development	178
3. Imperial Preference	188
(i). Tariff Preference	188
(ii). Imperial Preference in Public Contracts	197
4 Further Steps for the Improvement of Mutual Trade	202
(A). Imperial Co-operation in respect of Commercial Intelligence	202
(i). Commercial Diplomatic and Consular Services	202
(ii). Commercial Travellers' Samples	204
(iii). Trade Catalogues	204
(B). Statistics	211
(C). Imperial Communications	212
(i). Shipping	212
(a). Imperial Shipping Committee	212
(b). Carriage of Goods by Sea	213
(c). Shipping Taxation	216
(ii). Air Navigation	219
(a). Airship Services	219
(b). Exchange of Information	221
(c). Civil Aviation Advisory Board	224
(iii). Cables and Wireless	226
(a). Imperial Wireless Scheme	226
(b). Association of Dominions and India in work of Imperial Communications Committee	253
(c). State-owned Atlantic Cable	253
(d). Preference in Cable and Wireless Contracts to British Companies	253
(D). Reciprocal Enforcement of Judgments	255
(E). Imperial Co-operation with reference to Patents, Designs and Trademarks	260
(F). Economic Defence	260
(G). Customs Formalities	262
(i). Valuation of Goods for Customs Duty purposes	262
(ii). International Conference on Customs Formalities	262
(H). Empire Currency and Exchange	267
(J). Co-operation for Technical Research and Information	269
(i). Imperial Institute and Imperial Mineral Resources Bureau	270
(ii). Co-operation for Technical Research and Information	289
(K). Immunity of State Enterprises	292
5. Imperial Policy with regard to the Import and Export of Livestock	297
6. Imperial Policy with regard to Forestry	306
7. Workmen's Compensation	310
8. Imperial Economic Committee	312

XIII.—Pacific Cable Board—Amendment of Constitution.

329

XIV.—Reciprocal arrangements for preventing interference with Wireless Broadcasting.

336

TABLE OF CONTENTS.

I.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF THE IMPERIAL CONFERENCE, 1911.

RESOLUTION VIII: PROVISION FOR DESERTED WIVES AND CHILDREN.

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
1 To the Governor-General Irish Free State, 71 February 12	Requests early consideration of the question of the position of the Irish Free State in regard to the Maintenance Orders (Facilities for Enforcement) Act, 1920, and Part II of the Administration of Justice Act, 1920, and encloses copies of two letters to Law Officer of the Free State, to which no reply has been received 1
2 Mr. Loughnane to Sir Mark Sturgis, Telegram ... March 15	Embodies statement from the Free State Government with regard to the extension of reciprocity to Southern Australia and the Northern Territory, and requesting that proposed London Order in Council should not extend to the Free State 4
3 Mr. Loughnane to Sir Mark Sturgis, Telegram ... March 15	States that the Law Officer considers that an adopting Act by Free State Parliament will be necessary under Section 3 of Irish Free State Constitution Act, 1922, and asks for copies of certain Acts 4
4 Sir Francis Greer to Mr. H. Kennedy ... March 16	Explains why it is considered that the legislation referred to in No. 3 is unnecessary 4
5 To the Governor-General Irish Free State, 142... March 16	Presses for a very early intimation of Ministers' views and intentions regarding the position of the Irish Free State in connexion with the Imperial Maintenance Order Act and the Administration of Justice Act—Part II 5
6 To the Governor-General Commonwealth of Australia, 196 ... May 14	Transmits copies of Order in Council applying the provisions of the Maintenance Order Act to the Northern Territory of Australia, and explains that Scotland lies outside the scheme of the Imperial Act, and that the position with regard to the Irish Free State is now under the consideration of the Free State Government. Encloses also copies of Provisional Rules, etc., and requests information as to the requirements of the Courts in the Northern Territory. Enquires whether Ordinances have been passed in respect of Papua and Norfolk Island 6
7 To the Governor South Australia, 36 ... May 14	Transmits copies of an Order in Council applying the provisions of the Maintenance Order Act to South Australia; draws attention to the position of Irish Free State and encloses copies of Provisional Rules, etc., and asks to be informed of the requirements of the Courts in South Australia in regard to Orders sent or confirmation 7
8 The Governor-General Union of South Africa, 806 ... June 15 (Rec. July 2)	Transmits copies of Minutes from Ministers, and states that the application of the Union Act to the High Commission Territories is receiving attention. States that Ministers intend to issue a single Proclamation to cover all the reciprocating parts of the Empire and enquires in what terms the Act should be made applicable to the Irish Free State and Northern Ireland 8

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
9 The Acting Governor Tasmania, 20 ... June 18 (Rec. July 30)	Transmits copy of despatch from the Premier stating that Part IV of the Tasmanian Act contains provisions practically identical with those of the English Act, that the requirements of the Tasmanian Courts will be substantially the same as those of English Courts, and that Regulations are to be made similar to the Provisional Rules ... 11
10 The Governor Queensland, 13 ... July 6 (Rec. Aug. 11)	Specifies the documentary evidence which should accompany Provisional Orders made by Courts of reciprocating States ... 12
11 To the Governor-General Union of South Africa, 242 ... September 26	States the position of Scotland and the Irish Free State in relation to the Imperial Act; that an Order in Council will be issued applying the Imperial Act, as regards England and Northern Ireland, to the Union; and that reciprocity between the Union and other parts of the Empire can only be arranged by mutual agreement ... 12
12 To the Governor-General Union of South Africa, 244 ... September 27	Transmits copies of Isle of Man Maintenance Orders (Facilities for Enforcement) Act, 1921, together with the draft of an Order extending that Act to the Union, and enquires as to the date from which it should take effect ... 13
18 To the Governor-General Union of South Africa, Telegram ... October 18	States that Order in Council was issued 11th October extending Imperial Act as regards England and Northern Ireland to Union with effect from 1st November, 1923 ... 14
13 The Governor-General Union of South Africa, Telegram ... October 30 (Rec. Oct. 30)	States that Proclamation is being issued applying Union Maintenance Order Act to England and Northern Ireland as from 1st November ... 14
15 The Governor-General Union of South Africa, Telegram ... October 30 (Rec. Oct. 30)	Ministers suggest 1st November as date from which Order under Isle of Man Maintenance Order Act, 1921, should take effect. Proclamation is being issued applying Union Act to Isle of Man from same date ... 15
16 To the Governor-General Commonwealth of Australia, 425 ... November 5	Transmits copies of Order in Council applying Imperial Act to Norfolk Island and certain Colonies together with copies of Provisional Rules, etc. Asks to be informed of the requirements of the Norfolk Island Courts in regard to Orders sent to them for confirmation, and enquires whether an Ordinance has been passed in respect of Papua ... 15
17 To the Governor-General Union of South Africa, 291 ... November 5	Transmits copies of an Order in Council applying the Imperial Act to the Union together with copies of Provisional Rules, etc., and asks to be informed of the requirements of the Courts in the Union in regard to Orders sent to them for confirmation ... 16
18 The Acting Governor New South Wales, 77 October 18 (Rec. Dec. 3)	States that necessary legislation has been passed and steps may be taken to issue Order in Council applying the Imperial Act to New South Wales ... 16
19 The Governor-General New Zealand, 280 ... October 9 (Rec. Dec. 4)	Ministers advise that Regulations under the New Zealand Maintenance Orders Act have been made and came into force on 1st October. Encloses copies of pamphlet of instructions to Magistrates embodying these Regulations ... 17

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
20 The Governor-General Commonwealth of Australia, 351 ... November 2 (Rec. Dec. 17)	Reports that steps are being taken to amend the Northern Territory Maintenance Orders (Facilities for Enforcement) Ordinance, 1922, to make it applicable only to those parts of the United Kingdom to which the Imperial Act applies, and forwards statement showing the evidence required for the confirmation of Orders in the Northern Territory Courts. Calls attention to the Norfolk Island Ordinance and states that Papua has not yet passed an Ordinance ... 17
21 The Acting Governor New South Wales, 80 November 1 (Rec. Dec. 17)	Draws attention to Section 12 of the New South Wales Act and states that before issuing a Proclamation under that Section declaring any of the Dominions a reciprocating State, it will be necessary to ascertain whether the legislation of that Dominion covers reciprocity with New South Wales. Asks for advice on this point ... 18
22 The Acting Governor-General Union of South Africa, 613 ... December 21, 1923 (Rec. Jan. 14, 1924)	Transmits copy of Ministers' Minute enclosing a memorandum by the Law Advisers regarding the requirements necessary for obtaining confirmation in Union Courts of any Provisional Orders issued under the Imperial Act ... 19
1924	
23 To the Acting Governor New South Wales, 11 February 1	Transmits copy of an Order in Council applying the Imperial Act to New South Wales together with copies of Provisional Rules, etc.; also a list of Dominions, Colonies, and Protectorates in which reciprocal legislation has been passed, and suggests that Ministers should communicate direct with Governments of any Territories with which it is desired that reciprocity should be established ... 22
24 The Governor South Australia, 3 January 21 (Rec. Feb. 25)	Transmits copies of Rules under the Maintenance Order Act, 1922, and states that evidence that will satisfy the requirements of an English Court as to the desirability of making a Maintenance Order will satisfy a South Australian Court ... 23
25 To the Governor-General Irish Free State, 132 February 29	Transmits copies of the Maintenance Orders Act, 1923, of New South Wales, and of an Order in Council applying the provisions of the Imperial Act of 1920 to that State. Presses for the early consideration by Ministers of the question of the position of the Irish Free State in relation to the Maintenance Order Act, 1920, and the Administration of Justice Act, 1920, Part II ... 23
26 The Governor-General Irish Free State, 185 ... May 14 (Rec. May 15)	States that the Courts of Justice Act has been passed; that a Bill for the Reciprocal Enforcement of Judgments and Orders has been drafted, covering civil proceedings, and further legislation will be necessary for criminal cases; and that every effort will be made to expedite the necessary legislation ... 24
27 To the Governor-General Irish Free State, 305 ... May 20	Acknowledges No. 26 and states that His Majesty's Government will be glad of an early opportunity of seeing the Bill referred to ... 24
28 The Governor New South Wales, 16 May 8 (Rec. June 16)	Enquires whether the Isle of Man desires to establish a reciprocal arrangement with New South Wales and states that Ministers would be glad to receive copies of the legislation of the other parts of the Empire to which the Imperial Act has been extended in order that it may be ascertained that the legislation of such parts have made reciprocal provisions ... 25
29 The Governor-General Irish Free State, 243 ... June 26 (Rec. June 27)	In reply to No. 27, states that Ministers have not yet determined the form of the Bill, referred to in No. 26, or Order ... 25

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
30 To the Governor-General Commonwealth of Australia, 244 ... July 9	Transmits copies of an Order in Council applying the Imperial Act to Papua together with copies of Provisional Rules, etc. ... 25
31 To the Governor New South Wales, 81 ... July 10	Transmits copy of a circular despatch addressed to Colonies not possessing responsible Government and Protectorates regarding reciprocity in the enforcement of Maintenance Orders; encloses relevant legislation of certain Colonies and suggests in other cases direct communication with Officers administering the Government ... 26
32 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, New South Wales, Victoria, Queensland, South Australia, Tasmania, Dominions Rhodesia 318, Southern Rhodesia 251 ... July 14	Transmits copy of circular despatch enclosing a statement shewing Dominions, Colonies, Protectorates, etc., to which the Act has been applied and indicating the territories in which legislation contains provision for its extension to other places and suggesting the extension of reciprocal arrangements ... 26
33 To the Governor New South Wales, 95 ... August 8	States that if the Government of New South Wales undertakes to extend the New South Wales Act to the Isle of Man on a specific date the Isle of Man Government will extend the Isle of Man Act to New South Wales on the same date ... 29
34 The Governor New South Wales, 58 ... July 9 (Rec. Sept. 8)	Notes documents which should accompany Provisional Orders sent to New South Wales for confirmation, and states that the Rules made under the New South Wales Act provide that maintenance moneys are to be remitted to the Clerk of the Court from which the Order originally issued ... 29
35 The Acting Governor Western Australia, 54 ... September 6 (Rec. Oct. 6)	Indicates places with which Western Australia has reciprocity and states that no action is to be taken regarding other places until a case arises ... 29
36 The Deputy Governor-General Commonwealth of Australia, 249 ... September 12 (Rec. Oct. 20)	Notes documents which should accompany Provisional Orders for enforcement in the Territory of Norfolk Island ... 30

RESOLUTION XXV.: MUTUAL ENFORCEMENT OF JUDGMENTS AND ORDERS OF COURTS OF JUSTICE, INCLUDING JUDGMENTS AND ORDERS AS TO COMMERCIAL ARBITRATION AWARDS.

1923	
37 The Governor New South Wales, 111 December 1, 1922 (Rec. 5 Jan. 1923)	States that it is hoped to pass reciprocal legislation in connection with the Administration of Justice Act next Session ... 31

II.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF THE IMPERIAL WAR CONFERENCE, 1917.

RESOLUTION V.: TRADE COMMISSIONER SERVICE.

1923	
38 The Governor-General Union of South Africa, 3 ... January 17 (Rec. Feb. 6)	Transmits copy of Ministers' Minute stating that as changes in the Commercial Diplomatic Service are notified in the <i>Board of Trade Journal</i> which the Union Departments of State receive, future changes need not be notified by despatch ... 32

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
39 The Governor-General New Zealand, 8 ... January 15 (Rec. Feb. 26)	States that future changes in Commercial Diplomatic Service need not be communicated by despatch ... 32
40 The Governor-General Commonwealth of Australia, 37 ... February 6 (Rec. Mar. 23)	States that his Government has no objection to discontinuance of notification by despatch of future changes in the Commercial Diplomatic Service ... 33
41 The Governor-General Commonwealth of Australia, 64 ... February 23 (Rec. April 9)	Requests that arrangements referred to in "Overseas Trade" Circular despatch (enclosed in No. 12 in Doms. 83) be extended to Australian Trade Commissioners and Representatives mentioned ... 33
42 To the Governor-General New Zealand, 167 ... July 31	States that the question of co-operation in the supply of commercial intelligence will be discussed at the Imperial Economic Conference, and in the meantime, the Commercial Diplomatic Officers in the territories mentioned will be requested to reply to inquiries for the New Zealand Government or firms ... 34
43 To the Governor-General Commonwealth of Australia, 302 ... July 31	States that arrangements have been made as requested in No. 41, but suggests that the Commonwealth Representative in London should in the first instance communicate with the Department of Overseas Trade where the desired information may already be available ... 34
44 The Governor-General Commonwealth of Australia, 371 ... November 20 (Rec. Dec. 31)	Desires that arrangements referred to in "Overseas Trade" Circular despatch should be extended to Australian exporters; and asks that Mr. Little's name be removed from the list of Australian Trade Commissioners ... 35

RESOLUTION VIII.: CARE OF SOLDIERS' GRAVES.

RESOLUTION XII.: CARE OF SOLDIERS' GRAVES.

IMPERIAL WAR CONFERENCE, 1918.

RESOLUTION I.: IMPERIAL WAR GRAVES COMMISSION.

1924	
45 To the Governor-General Irish Free State, 115 February 21	Indicates proposals for the future care and maintenance of the graves of British Naval, Military and Air Force personnel in the Free State by the Imperial War Graves Commission, and requests Ministers views ... 36
46 The Governor-General Irish Free State, 260... July 7 (Rec. July 8)	States that Ministers regret that they cannot accept the financial responsibility which membership of the Commission involves, but are willing to take over the entire care and maintenance of all British Graves whatsoever in the Irish Free State ... 37

RESOLUTION XIII.: IMPERIAL MINERAL RESOURCES BUREAU.

IMPERIAL WAR CONFERENCE, 1918.

RESOLUTION XVI.: IMPERIAL MINERAL RESOURCES BUREAU.

(See note on page 39).

RESOLUTION XV.: DOUBLE INCOME TAX.

1923	
47 To the Governors General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, Dominions 40... January 31	Transmits for information of Ministers copy of Report of Inter-Departmental Committee on Income Tax in non-self-governing Colonies (Cmd. 1788) and of a circular despatch addressed to the Colonies concerned ... 40

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
48 The Governor-General Commonwealth of Aus- tralia, 72 ... April 2 (Rec. May 19)	Forwards a copy of a statement submitted by the Com- monwealth Commissioner of Taxation commenting upon the memorandum by the Board of Inland Revenue enclosed in No. 24 in Dominions No. 83 ... 41

RESOLUTION XXI.: IMPERIAL PREFERENCE.

1923	
49 Sir G. Fuller (Prime Minister) New South Wales ... March 27	Urges the grant of a substantial measure of preference in Great Britain to canned and dried fruits produced in the Dominions ... 47
50 To Sir G. Fuller April 28	In reply to No. 49, states that matter will probably be brought up again at the forthcoming Imperial Economic Conference ... 49
51 Sir G. Fuller May 8	Comments on the reception of his proposals regarding preference, and looks forward with confidence to the result of the deliberations of the Economic Conference 49
52 Sir G. Fuller May 11	Urges that the Imperial Economic Conference should consider the question of improving the organization and facilities for marketing Australian products in Great Britain ... 50

III.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF THE IMPERIAL WAR CONFERENCE, 1918.

RESOLUTION I.: IMPERIAL WAR GRAVES COMMISSION.

(See under Resolutions VIII and XII of Imperial War Conference, 1917)

RESOLUTION XII.: INTER IMPERIAL PARCELS DELIVERY.

1923	
53 The Governor Newfoundland, 4 January 15 (Rec. Jan. 29)	States that for reasons given Ministers cannot adopt the Imperial Heavy Parcels-Post scheme outlined in the memorandum forwarded with the Secretary of State's despatch of the 10th November, 1921 ... 51
54 The Governor-General Canada, 74 ... February 16 (Rec. Feb. 27)	States that the legal limitation of weight for parcels in Canada precludes his Government from giving a favourable answer regarding the proposed Imperial Heavy Parcels-Post scheme ... 51

RESOLUTION XV.: CHANNELS OF COMMUNICATION.

1923	
55 To the Governor-General New Zealand, Telegram, Personal ... March 2	Conveys assurances that there has been no intention of weakening the Governor-General's position in adopting certain phrases in telegrams from the Secretary of State for the Prime Minister ... 53
56 To the Governor-General New Zealand, Personal, and Secret ... March 5	Ditto ... 53
57 The Governor-General New Zealand, Personal and Secret ... May 14 (Rec. June 25)	Acknowledges Nos. 55 and 56, and states that formula now used in messages from the Colonial Office is quite appropriate ... 54

Serial No., From or to whom,
Despatch No., &c., and Date.

Subject and Page No.

RESOLUTION XVIII.: PETROLEUM.

1923	
58 To the Governor-General Commonwealth of Aus- tralia, Confidential (2) February 27	Enquires whether it will be possible under the Northern Territory Mineral Oil and Coal Ordinance, 1922, as amended, for one company to hold a number of adjoining leases ... 55
59 The Governor-General Commonwealth of Aus- tralia, Confidential ... May 10 (Rec. June 25)	In reply to No. 58, states that the Ordinance does not limit the number of adjoining mineral oil or coal leases that may be held by any one company ... 55
1924	
60 To the Governor-General Commonwealth of Aus- tralia, Confidential ... June 4	Transmits views of the Board of Trade on the legislation relating to Mineral Oil, and the system of leasing small areas ... 55

RESOLUTION XIX.: NATURALIZATION.

RESOLUTION XX.: NATIONALITY AND NATURALIZATION.

IMPERIAL MEETINGS, 1921.

SECTION XII.: NATIONALITY.

1923	
61 To the Governors-General and Governor Canada 16, Common- wealth of Australia 20, New Zealand 4, New- foundland 5 ... January 10	States that the British Nationality (Married Women) Bill, automatically dropped on the dissolution of Parliament, and if it is re-introduced His Majesty's Government are of opinion that there should be no alteration in the Nationality and Status of Aliens Act, 1914, except after discussion between the various parts of His Majesty's Dominions ... 57
62 To the Governor-General Union of South Africa 17 ... January 10	States that, as there is no likelihood of the British Nationality (Married Women) Bill passing into law in the early future, even if it be re-introduced, it is hoped that the Union Government will proceed with their contemplated legislation ... 58
63 To the Governor Newfoundland 20 January 31	Presumes that the amendments made by the Imperial Act of 1922, will be incorporated in the Newfound- land Bill ... 58
64 To Foreign Office and Home Office February 3	States that the proposed Nationality and Naturalization and Status of Aliens Bill will not be submitted to the Union Parliament during the present Session ... 58
65 The Governor-General Union of South Africa 47 ... February 23 (Rec. Mar. 12)	Transmits copy of Minute from Ministers stating that they have not found it possible to proceed at present with the contemplated legislation in regard to the naturalization of aliens in the Union ... 59
66 The Governor-General Commonwealth of Aus- tralia 178 ... May 25 (Rec. July 18)	Suggests that question of amendment of British Nationality and Status of Aliens Act, 1914, so as to permit the grant of naturalization to persons resident in mandated territories may be brought before the Imperial Conference ... 59
1924	
67 To the Governor-General New Zealand 55 ... March 15	Transmits copies of Order in Council assenting to the British Nationality and Status of Aliens (in New Zealand) Act, 1923. Regrets decision of New Zealand not to adopt scheme of Imperial nationality, and expresses hope that it may yet be found possible to give full effect to the scheme ... 60
68 The Governor-General New Zealand 107 ... June 9 (Rec. July 10)	Ministers state that the New Zealand Government's reasons for not adopting Part II of the Imperial Act have been already fully explained to His Majesty's Government, and that the war with Germany had exposed the serious consequences of indiscriminate naturalization ... 60

IV.

IMPERIAL MEETINGS, 1921.

Summary of Proceedings and Documents [Cmd. 1474]

SECTION VII.(a) : IMPERIAL AIR COMMUNICATIONS.

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
69 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... July 26	Embodies statement to be made to Parliament that day by the Prime Minister announcing that the Government had decided to resume the development of Airships and to proceed by means of a Commercial Service ... 81

SECTION VII.(b) : IMPERIAL WIRELESS SCHEME.

1923	
70 To the Governor-General Canada, Telegram ... January 6	Enquires whether licence for establishment of high-power wireless station at Montreal has been issued and if so what is date of licence and period of validity ... 62
71 The Governor-General Canada, Telegram, Secret ... January 11 (Rec. Jan. 12)	In reply to No. 70, states that licence was first issued on 30th September, 1921, and gives particulars ... 62
72 The Governor-General Union of South Africa, Telegram ... January 18 (Rec. Jan. 19)	Urges the need of a wireless station in England to operate with the South African station about to be erected ... 62
73 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... March 6	Embodies statement made by Prime Minister in House of Commons regarding the policy to be adopted with regard to Imperial wireless communications ... 63
74 To the Governor-General Canada, Telegram ... March 12	Asks for particulars of licence reported to have been granted to Marconi Company for station at Vancouver ... 63
75 The Governor-General Commonwealth of Australia, Telegram ... March 22 (Rec. Mar. 22)	Enquires when the Government station will be operating, whether service mentioned in the Commonwealth Agreement can be guaranteed, and whether rates contemplated will be varied ... 64
76 The Governor-General Canada 182 ... March 20 (Rec. April 2)	Transmits copy of licence referred to in No. 74 ... 64
77 To the Governor-General New Zealand, Telegram April 6	Transmits message for Prime Minister from Chairman, Imperial Communications Committee, giving estimates of the cost of erection of a station in New Zealand of sufficient power to communicate direct with England ... 65
78 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 139 ... April 18	Notifies that the Government of India is now free to make its own arrangements in regard to long distance wireless telegraphy, and that it is hoped that any private enterprise entrusted with the erection of a high-power station in India will be required to receive traffic sent from Government stations in England ... 66

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
79 The Governor-General New Zealand, Telegram April 26 (Rec. Apr. 27)	States that New Zealand Government favour the construction of its own station, and would like fuller details by post ... 66
80 To the Governor-General New Zealand, Telegram May 1	In reply to No. 79, states that details asked for are being forwarded and hopes it may be assumed that proposed station will wish to communicate with Government station in England ... 67
81 To the Governor-General Commonwealth of Australia, Telegram ... May 11	Replies to No. 75; and urges that the Government station in England should be used as the "corresponding station" contemplated in the Commonwealth Agreement ... 67
82 The Governor-General New Zealand, Telegram July 10 (Rec. July 10)	States, in reply to No. 80, that whatever policy New Zealand Government decides upon, it will wish proposed station to be capable of communicating with Government stations in Great Britain ... 68
83 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 270 ... July 21	Transmits copies of a Parliamentary Question and Answer regarding applications for licences to erect a high-power wireless station in this country ... 68
84 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 285, Confidential ... August 1	Suggests that provision be made for the transmission by high-power wireless stations of messages to vessels of the mercantile marine in time of emergency ... 69
85 The Governor-General Canada, Confidential September 7 (Rec. Sept. 17)	States that the Department of Marine and Fisheries concurs in the suggestion in No. 84, and it is proposed to include a provision to this effect in all new licences and renewals ... 69
86 The Postmaster-General to General Smuts and Mr. Mackenzie King October 3	Explains position in regard to the Imperial Wireless Scheme and encloses extract from speech in the House of Commons announcing the arrangements made for conducting the Empire services by the Marconi Company and the Government ... 70
87 The Governor-General New Zealand, Confidential ... October 5 (Rec. Nov. 13)	States that consideration will be given to the suggestion in No. 84, in the case of any high-power station which may be erected ... 71

CORRESPONDENCE RELATING TO THE PAYMENT TO THE GOVERNMENT OF NEWFOUNDLAND OF A TAX IN RESPECT OF THE LANDING AT HARBOUR GRACE OF ONE OF THE IMPERIAL CABLES.

1923	
88 Treasury May 17	Transmits copy of letter from the General Post Office with regard to a claim from the Newfoundland Government for payment of a tax in respect of the landing of one of the Imperial cables at Harbour Grace, and as to the payment of customs dues on stores for cable maintenance; and requests that certain action be taken ... 72

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
89 To the Governor Newfoundland, Confiden- tial (2)... June 20	Communicates substance of No. 88, and suggests that as the question of the taxation of State-owned or con- trolled economic enterprises is to be discussed at the forthcoming Conference, the claim for tax should be kept open until a decision has been reached, and that the Customs charges should be waived ... 73
90 General Post Office to Treasury December 10	Enquiries as to the period for which tax claims by the Newfoundland Government is to be paid ... 74
91 Treasury to General Post Office December 21	In reply to No. 90, conveys authority to make an <i>ex gratia</i> payment of tax as from 1st July, 1922, the date when the Post Office assumed operating control of the cable ... 74

NAVAL WIRELESS TELEGRAPH STATION AT ST. JOHN'S, NEWFOUNDLAND.

1924	
92 To the Governor-General Canada, Confidential... March 6	Transmits copy of Admiralty Memorandum regarding the future of the Wireless Telegraph station at St. John's and enquires whether the proposed station in Nova Scotia would be capable of meeting the needs of the Admiralty and be available ... 75
93 To the Governor Newfoundland, Confiden- tial... March 6	Transmits copy of Admiralty Memorandum and enquires whether Ministers desire that the station at St. John's should be transferred to the Newfoundland Govern- ment ... 76
94 The Governor-General Canada, Confidential... April 17 (Rec. May 1)	In reply to No. 92, transmits copy of letter from Depart- ment of External Affairs suggesting that the Marconi station at Glace Bay would meet the requirements of the Admiralty ... 76
95 To the Governor-General Canada, Telegram, Con- fidential... June 18	Concurs in the suggestion in No. 94, and enquires whether Canadian Government would accept respon- sibility for operating it in time of war or emergency... 78
96 To the Governor Newfoundland, Tele- gram, Confidential... June 18	States that suitable alternative station has been found in Canada, and that, unless Newfoundland Government express wish to take over St. John's station, immediate steps will be taken to close it down ... 78
97 The Governor-General Canada, Telegram, Con- fidential... July 16 (Rec. July 17)	In reply to No. 95, states that Canadian Government will be prepared to take over and operate the Glace Bay station in time of war or emergency ... 78
98 To the Governor-General Canada, Telegram... August 19	Expresses appreciation of the assurance given in No. 97, and states Admiralty are taking steps for dismantling the station at St. John's ... 79
99 To the Governor Newfoundland, Telegram August 19	States that Admiralty are taking necessary steps for dismantling St. John's station ... 79
100 The Governor Newfoundland, Tele- gram, Confidential... September 2 (Rec. Sept. 2)	States that Ministers are not interested in continuation of St. John's station ... 79

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
SECTION XI.: EMPIRE PATENT.	
1923	
101 The Governor-General New Zealand 219 ... August 17 (Rec. Sept. 28)	States that New Zealand Government is favourable to the adoption of "Provisional Scheme" but asks to be informed of views of Governments of other Dominions before coming to definite decision; trans- mits copy of memorandum by New Zealand delegate ... 80

SECTION XII.: NATIONALITY.

(See under Resolutions XIX. and XX. of Imperial War Conference, 1918).

V.

VALIDITY OF INTERNATIONAL MARRIAGES.

1923	
102 To the Governor-General Commonwealth of Aus- tralia 133 ... April 6	Discusses the question of the validity of marriages between British subjects and foreigners ... 81
103 To the Governors-General and Governor Canada 158, New Zea- land 72, Union of South Africa 85, Newfound- land 48 ... April 7	Transmits copy of correspondence with the Governor- General of the Commonwealth of Australia regarding the validity of marriages contracted between British subjects and foreigners ... 82
104 To the Governor-General Irish Free State 275 ... May 11	Ditto ... 82

VI.

LIABILITY OF DOMINION AND FOREIGN GOVERNMENTS TO UNITED KINGDOM TAXATION.

1923	
105 The Governor New South Wales, Con- fidential... December 5, 1922 (Rec. Jan. 23, 1923)	States that profits on United States Shipping Board vessels will not be assessed nor taxed at present, but his Government are not prepared to waive their rights in the matter pending the result of the enquiry into liability to United Kingdom taxation of Dominion and Foreign Governments ... 84
106 The Governor Queensland 75 December 18, 1922 (Rec. Feb. 12, 1923)	States that his Government approves the recommend- ations of the Committee appointed in May, 1921, and will introduce the requisite legislation if it becomes necessary to secure reciprocity ... 84
107 The Governor Newfoundland, Telegram March 5 (Rec. Mar. 5)	States that his Ministers are disinclined to express views on the Committee's report until after the approaching General Election ... 85
108 The Governor-General Commonwealth of Aus- tralia, Telegram, Con- fidential... March 12 (Rec. March 12)	States that Commonwealth Government is of opinion that proposals of Colwyn Committee should be agreed to ... 85
109 To the Governor-General Irish Free State, Con- fidential... July 25	Transmits copies of the Committee's final Report, and asks for an expression of Ministers' views before the meeting of the Imperial Economic Conference ... 85

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
110 The Acting Governor Tasmania, Confidential July 5 (Rec. Aug. 18)	Transmits copy of despatch from Prime Minister stating that Ministers desire to rest upon opinion of Law Officers of the United Kingdom to the effect that Dominion property and Dominion Government Trading agencies in Great Britain are exempt from British Income Tax or Excess Profits Duty ... 85
111 The Governor-General Canada, Telegram September 14 (Rec. Sept. 15)	Conveys the views of Ministers on the recommendations of the Colwyn Committee and remarks upon the position of the Provincial Governments and the Canadian National Railway and the Canadian Government Merchant Marine ... 86
112 The Acting Governor Victoria, Telegram ...October 18 (Rec. Oct. 18)	States that Ministers agree generally with recommendations of the Colwyn Committee, but point out that the relations of the State Governments with one another and with the Commonwealth will have to be specially provided for ... 87
113 The Acting Governor Victoria, 27 ...October 17 (Rec. Nov. 19)	Transmits, in continuation of No. 112, copy of a memorandum received from the Premier on the subject ... 87
1924	
114 To the Governor Victoria, 45 ... July 19	Replies to points raised in No. 113 ... 88

VII.

PROPOSED DUPLICATION OF PACIFIC CABLE.

1923	
115 The Pacific Cable Board January 11	Transmits copies of memoranda on the duplication proposals. States that the direct cables Auckland-Suva and Sydney-Southport are to be completed by 14th August, 1923, and requests that Fiji Government may be asked to grant a licence for the additional cable landing at Suva, if a new licence is necessary ... 89

VIII.

IMPORTATION OF ANIMALS ACT, 1922.

1923	
116 To the Governors-General and Governor Commonwealth of Australia 51, New Zealand, 22, Union of South Africa 38, Newfoundland 21 ... February 1	Transmits copy of Importation of Animals Act, 1922, and observes that His Majesty's Government will be prepared to introduce similar legislation in respect of the Dominions, other than Canada, in the event of a satisfactory arrangement being reached at the next Imperial Conference ... 91
117 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 122 ... March 29	Transmits copy of an Order in Council bringing the Act into operation, together with two Orders of the Minister of Agriculture, entitled "The Canadian Cattle (Marking) Order of 1923" and "The Importation of Canadian Cattle Order of 1923" ... 91
8 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 129 ... April 6	Transmits copies of an Order of the Minister of Agriculture and Fisheries, dated 27th March, modifying the provisions in the Schedule to the Act ... 92

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
119 To the Governor-General Canada, Telegram, Secret ... May 10	Indicates lines of Order providing for admission of breeding cattle from Canada, and states that if Order would not be satisfactory to Canadian Government the matter would have to be postponed for consideration at Imperial Economic Conference ... 92
120 The Governor-General Canada, Telegram, Secret ... May 12 (Rec. May 12)	States with reference to No. 119, that Ministers agree to leave final action until the Imperial Conference ... 93
121 To the Governor-General Canada, Telegram, Secret ... May 15	Quotes announcement which Minister of Agriculture proposes to make in House of Commons and enquires whether Ministers concur therein ... 93
122 The Governor-General Canada, Telegram, Secret ... May 16 (Rec. May 16)	States with reference to No. 121, that Ministers concur ... 93
123 The Governor-General New Zealand 93 ... April 11 (Rec. May 28)	Transmits copy of memorandum by Prime Minister, asking that further representations be made to His Majesty's Government to permit the importation of breeding stock from New Zealand ... 94
124 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 199 ... June 4	Transmits copies of an Order of the Minister of Agriculture and Fisheries, dated 24th May, modifying the provisions of the Schedule to the Act ... 95
125 To the Governor-General New Zealand 137 ... June 28	States that views expressed in memorandum in No. 123, will receive consideration and transmits copy of memorandum by the Ministry of Agriculture as to conditions under which the Ministry is prepared to consider applications for the landing in Great Britain of foreign animals for exceptional purposes ... 95
126 Sir Joseph Cook (High Commissioner) to the Duke of Devonshire ... July 5	Enquires whether in preparing the Bill for the admission of Canadian cattle the Minister for Agriculture had in mind anything in the circumstances of Australia which would warrant a refusal of the concessions given to Canada; and presses for the removal of this discrimination ... 96
127 The Duke of Devonshire to Sir Joseph Cook ... July 17	Refers to previous correspondence and states that the question of the restrictions on the importation of livestock into the various parts of the Empire is a subject for discussion at the forthcoming Imperial Economic Conference ... 97

IX.

STATUS OF DOMINION TRADE COMMISSIONERS IN FOREIGN COUNTRIES.

1923	
128 The Governor-General Canada 110 ... March 8 (Rec. March 19)	Transmits copy of Privy Council Minute as to the status of Canadian Trade Commissioners in foreign countries and enquiring what recognition can be given to enable them more effectively to fulfil the duties of their office ... 98
129 Foreign Office ... April 24	Considers that the question raised in No. 128 is eminently one for discussion at the forthcoming Imperial Conference ... 99

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
130 To Foreign Office May 5	While agreeing with No. 129, thinks it desirable that consideration should be given beforehand to the matter and that His Majesty's Government should be prepared to state how far and in what way they are prepared to give effect to Canadian desire for the improvement of status ... 99
131 Foreign Office May —	Memorandum on the status of Dominion Trade Commissioners, prepared for use by the representatives of His Majesty's Government at the Imperial Economic Conference ... 100
132 To the Governor-General Canada, Telegram ... August 8	States that if Ministers desire the question of status of Trade Commissioners will be placed on agenda for forthcoming Imperial Economic Conference ... 101
133 The Governor-General Canada, Telegram ... August 25 (Rec. Aug. 25)	States that if His Majesty's Government will accredit various Canadian Trade Commissioners to foreign countries in same manner as they have accredited Canadian Trade Commissioner to United States, such action would be quite acceptable and necessity for discussion would be obviated ... 101
134 To the Governor-General Canada, Telegram September 14	Agrees to adopt procedure suggested in No. 133 ... 101

X.

ARRANGEMENTS FOR IMPERIAL CONFERENCE AND IMPERIAL ECONOMIC CONFERENCE, 1923.

1922	
135 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... November 29	Transmits message from the Prime Minister for the Prime Minister outlining proposals for an Imperial Economic Conference to take place about April, 1923, in advance of the Imperial Conference, and requesting views ... 102
136 The Governor-General Union of South Africa, Telegram ... December 4 (Rec. Dec. 5)	Requests that views expressed in No. 137 be not published until a general agreement with the Dominions has been reached ... 103
137 The Governor-General Union of South Africa, Telegram ... December 4 (Rec. Dec. 5)	Transmits message from the Prime Minister for the Prime Minister viewing favourably proposal in No. 135, but suggesting that the Conference be held concurrently with the Imperial Conference ... 103
138 The Governor-General Canada, Telegram, Secret December 8 (Rec. Dec. 8)	Transmits message from Prime Minister in favour of proposed Conference, and suggesting that it be held in late spring, summer, or fall months ... 104
139 India Office December 19	Transmits copy of telegraphic correspondence with the Government of India as to the participation of India in the proposed Conference ... 104
1923	
140 The Governor Newfoundland, Telegram January 4 (Rec. Jan. 4)	States, in reply to No. 135, that his Prime Minister is in favour of proposed Conference, but suggests that Lord Morris might represent him as the Newfoundland Legislature is in Session during April and May ... 105

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
141 The Governor-General New Zealand, Telegram January 25 (Rec. Jan. 25)	States that his Prime Minister cannot attend the proposed Economic Conference, but the High Commissioner will probably represent New Zealand; adds that Mr. Massey will also be unable to attend an Imperial Conference this year ... 106
142 The Governor-General New Zealand, Telegram (Extract) ... January 25 (Rec. Jan. 25)	States that Prime Minister considers that meeting of Imperial Conference should stand over until next year 106
143 The Governor-General Commonwealth of Australia, Telegram February 2 (Rec. Feb. 2)	Transmits at instance of Prime Minister message in reply to No. 135, stating that the position is one which calls for action by Britain rather than mere discussion, and suggesting a preferential tariff for Australian products 107
144 The Governor-General Commonwealth of Australia, Telegram February 24 (Rec. Feb. 24)	Transmits message from his Prime Minister for Prime Minister expressing willingness to participate in proposed Economic Conference, also urging importance of holding an Imperial Conference at an early date to consider questions of defence, etc., and suggesting both Conferences should take place simultaneously in September or October, 1923 ... 107
145 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... February 28	Transmits message from Prime Minister for Prime Ministers suggesting that Economic and Imperial Conferences be held concurrently about 1st November, 1923 ... 108
146 To the Governor-General Commonwealth of Australia, Telegram February 28	Transmits message from Prime Minister for Prime Minister stating, with reference to No. 144, that the British Government's fiscal pledges would govern their attitude with regard to any proposals put forward as to preference ... 109
147 To the Governor-General New Zealand, Telegram February 28	Transmits message from Prime Minister for Prime Minister stating that he will not give up hope that the latter will be able to attend the meeting of Prime Ministers in the autumn ... 109
148 The Governor-General Union of South Africa, Telegram ... March 3 (Rec. March 3)	Transmits message from his Prime Minister for Prime Minister agreeing to proposal to hold both Conferences concurrently, but suggesting 1st September as latest suitable date, or, failing this, postponement until summer of 1924, as it would be practically impossible for Union to attend in November ... 109
149 The Governor-General Commonwealth of Australia, Telegram ... March 5 (Rec. Mar. 5)	Transmits message from his Prime Minister stating that the fiscal pledges referred to in No. 146, would not debar assent to some of the proposals his Government would submit and urging British Government to consider definite proposals in exchange for Dominion preference ... 110
150 The Governor-General Commonwealth of Australia, Telegram ... March 5 (Rec. Mar. 5)	Transmits message from his Prime Minister concurring in proposed dates for Conferences but suggesting that economic subjects should be dealt with as part of Imperial Conference ... 110
151 House of Commons March 8	Questions asked by Mr. Hurd as to the desirability of holding the Imperial Conference elsewhere than in London, and the Prime Minister's replies thereto ... 111
152 The Governor-General New Zealand, Telegram March 12 (Rec. Mar. 12)	States that his Prime Minister sees no prospect of attending either of the Conferences, but arrangements might be made for representation of New Zealand at Economic Conference ... 111

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
153 The Governor-General Canada, Telegram ... March 14 (Rec. Mar. 14)	Transmits message from his Prime Minister concurring in proposal to hold both Conferences simultaneously and urging that they begin not later than 1st October 111
154 India Office (Rec. March 15)	Telegraphic correspondence with the Government of India as to the opening date ... 112
155 The Governor-General Commonwealth of Australia, Telegram ... March 20 (Rec. Mar. 20)	Transmits message from his Prime Minister referring to Press report of the probable postponement of Imperial Conference until 1923, and expressing the hope that there will be no postponement ... 113
156 House of Commons March 20	Question asked by Mr. Jarrett as to representation of the Crown Colonies at the Economic Conference and the issue in advance of the agenda; also the Prime Minister's reply thereto ... 113
157 To the Governor Newfoundland, Telegram March 23	States that 1st October appears to be most acceptable opening date, and assumes that this alteration of date would not be inconvenient to Newfoundland ... 114
158 To the Governor General Union of South Africa, Telegram ... March 23	Transmits message for Prime Minister expressing hope that he will agree to 1st October as opening date as it appears most generally acceptable ... 114
159 To the Governor-General Commonwealth of Australia, Telegram ... March 23	Transmits message for Prime Minister suggesting 1st October as opening date, and stating it is thought better that the two Conferences should be distinct, giving priority in point of time to Economic Conference ... 114
160 To the Governors-General Canada, New Zealand, Telegram ... March 23	Transmits message from Prime Minister for Prime Minister stating that 1st October appears to be most generally acceptable opening date ... 115
161 House of Commons March 26	Question asked by Mr. Sturrock as to a debate on the agenda and the Prime Minister's reply thereto ... 115
162 The Governor-General Union of South Africa, Telegram ... March 26 (Rec. Mar. 26)	Transmits message from his Prime Minister reluctantly agreeing to 1st October as opening date ... 116
163 The Governor-General Commonwealth of Australia, Telegram Confidential ... March 26 (Rec. March 26)	Transmits message from his Prime Minister explaining that he will probably be unable to attend until November and stating he is still of the opinion that no good purpose would be served in two distinct Conferences ... 116
164 To the Governor-General Commonwealth of Australia, Telegram ... March 27	Transmits message from Prime Minister for Commonwealth Prime Minister communicating No. 162, and stating that he sees no alternative to arranging for meetings to start on 1st October, and that he hopes that Prime Minister will be able to attend on that date or soon after; also remarking that he does not think the holding of two Conferences over the same period will prove to be inconvenient ... 117
165 The Governor-General Commonwealth of Australia, Telegram ... March 30 (Rec. March 30)	Transmits message from Prime Minister stating in reply to No. 164, that he will endeavour to attend 1st October or shortly afterwards and asking for all possible information at an early date ... 117
166 To the Governor-General Irish Free State, Confidential ... April 6	Invites co-operation of Ministers in forthcoming Conferences and transmits copies of certain relevant papers ... 118
167 To the Governor-General Union of South Africa, Telegram ... April 7	Transmits message from Prime Minister for Prime Minister stating that an announcement will shortly be made to Parliament regarding the proposed Conferences, and stating the arrangements being made as regards the agenda ... 118

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
168 To the Governor Newfoundland, Telegram ... April 7	States that an announcement will be made to Parliament as to the proposed Conferences ... 119
169 To the Governors-General Canada, New Zealand, Telegram ... April 7	Transmits message from Prime Minister stating that an announcement will shortly be made to Parliament as to the proposed Conferences, and suggesting arrangements as to the agenda ... 119
170 To the Governor-General Commonwealth of Australia, Telegram ... April 7	Ditto ... 119
171 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... April 7	Communicates terms of announcement to Parliament regarding the proposed Conferences ... 120
172 House of Commons April 9	Questions and Prime Minister's statement in reply as to the arrangements for the Conferences ... 120
173 The Governor-General New Zealand, Telegram, Confidential ... April 9 (Rec. April 9)	Quotes with reference to Nos. 169 and 171, message received from Prime Minister stating that arrangements may be made for representation of New Zealand when position has been considered by Parliament, which meets in June, in which case 1st November would be more convenient opening date to New Zealand ... 120
174 The Governor-General New Zealand, Telegram, Private and Personal ... April 11 (Rec. April 11)	Suggests that a telegram should be sent from Mr. Bonar Law to Mr. Massey emphasizing the importance of the proposed Imperial Conference, and urging his attendance ... 121
175 The Governor-General Canada, Telegram, Secret April 11 (Rec. April 11)	Enquires whether there would be any objection to the presentation to Parliament of telegraphic correspondence concerning the Conferences ... 121
176 To the Governor-General New Zealand, Telegram, Confidential ... April 11	Conveys Prime Minister's regret if 1st October should prove less convenient opening date to New Zealand than 1st November, but that former date appeared only possible one this year ... 121
177 To the Governor-General New Zealand, Telegram, Private and Personal April 12	States that Prime Minister is prepared to send telegram proposed in No. 174, but suggests delay until list of subjects for discussion has been sent out ... 122
178 The Governor-General New Zealand, Telegram, Private and Personal April 14 (Rec. April 14)	Agrees with opinion expressed in No. 177 ... 122
179 To the Governor-General Canada, Telegram, Secret April 17	Agrees to presentation of papers as proposed in No. 175, subject to omissions indicated ... 122
180 To the Governors-General and Governor Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram April 17	Indicates action contemplated by Canadian Government respecting publication of Conference correspondence and asks to be consulted if it is proposed to publish additional messages ... 122
181 Canadian House of Commons April 18	Questions and Answers regarding the publication of information as to the agenda for both Conferences, and the need for obtaining the consent of the British Government before laying papers ... 123

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
182 The Governor-General Commonwealth of Aus- tralia, Telegram ... April 21 (Rec. Apr. 21)	Transmits message from Prime Minister stating that at present he does not propose to publish correspondence regarding the Conferences, but action of Canada may render it necessary ... 124
183 The Governor-General Union of South Africa, Telegram ... April 21 (Rec. Apr. 21)	Enquires whether His Majesty's Government concur in publication of Nos. 137, 148 and 162, in addition to telegrams mentioned in No. 180 ... 124
184 The Governor-General Union of South Africa, Telegram ... April 23 (Rec. April 23)	States that Ministers propose to publish on 24th April papers referred to in No. 183, and in addition No. 158 124
185 To the Governor-General Union of South Africa, Telegram ... April 23	Has no objection to publication of papers referred to in Nos. 183 and 184, but if reference to Mr. Bruce in No. 162 is retained, suggests inclusion of No. 167 also 125
186 The Governor-General Union of South Africa, Telegram ... April 27 (Rec. April 27)	States that Conference correspondence as indicated has now been published ... 125
187 The Governor-General Irish Free State, Con- fidential ... May 2 (Rec. May 4)	States that Ministers will arrange for representatives to attend the Economic Conference, and that, if circum- stances permit, the President of the Executive Council will attend the Imperial Conferences ... 125
188 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Telegram, Confidential May 10	Transmits message from Prime Minister for Prime Minister outlining the agenda for the Imperial Con- ference, and enquiring whether it is wished to add any further subjects ... 126
189 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Telegram ... May 10	Transmits message for Prime Minister from Prime Minister regarding the attendance of expert advisers, secretarial arrangements, and enquiring what office accommodation is required by Dominion delegations 127
190 To the Governor-General New Zealand, Telegram May 10	Transmits message from Prime Minister to Prime Minister urging him to come to the Conference ... 127
191 The Secretary of State for India to the Viceroy (Home Department) Telegram 1728 ... May 11	Amplifies No. 192 ... 128
192 The Secretary of State for India to the Viceroy (Home Department) Telegram 1729 ... May 11	Communicates text of Nos. 188 and 189 ... 128
193 House of Commons May 14	Question asked by Lieut.-Colonel Croft as to the secretariat organization of the Imperial Conference, and Mr. Ormsby-Gore's reply thereto ... 128
194 House of Commons May 14	Question asked by Lieut.-Colonel Croft as to represent- ation of the Irish Free State, Rhodesia, and India at the Imperial Conference, and Mr. Ormsby-Gore's reply thereto ... 129
195 The Governor-General Commonwealth of Aus- tralia, Telegram, Secret May 15 (Rec. May 15)	Transmits message for Prime Minister from Prime Minister concurring in proposed Agenda, subject to additions indicated. Recommends fullest possible publication, and presumes there is no objection to dis- cussion of agenda in Parliament ... 129

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
196 The Governor-General Union of South Africa, Telegram ... May 16 (Rec. May 16)	Transmits message from Prime Minister for Prime Minister stating that suggestions in No. 189 have been noted and that no office accommodation will be necessary for South African representatives ... 130
197 The Governor-General Union of South Africa, Telegram, Confidential May 16 (Rec. May 16)	Transmits message from Prime Minister agreeing to proposed agenda and stating that he has at present no additional items to suggest ... 130
198 The Governor-General New Zealand, Telegram, Personal ... May 17 (Rec. May 17)	States that in view of message in No. 190 it is proposed to submit for decision of Parliament the question of the attendance of Mr. Massey at Imperial Conference 130
199 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Telegram, Confidential May 17	Transmits message from Prime Minister for Prime Minister giving preliminary list of subjects for dis- cussion at the Economic Conference and enquiring whether Ministers have any additions to make ... 130
200 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Telegram, Confidential May 17	Transmits message from Prime Minister for Prime Minister stating that confidential memoranda on most of the subjects for discussion at the Economic Con- ference will shortly be ready and making suggestions as to Secretariat arrangements ... 131
201 The Governor-General New Zealand, Telegram May 23 (Rec. May 23)	States that Parliament will meet on 14th June, and question of attendance of the Prime Minister at the Imperial Conference will be submitted during the Session ... 132
202 To the Governor-General Irish Free State Con- fidential ... May 28	Transmits copy of No. 199, states that confidential memoranda on subjects referred to will shortly be furnished. Encloses also copy of No. 188, and enquires whether any additions to the agenda are desired ... 132
203 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Telegram ... May 29	Transmits message for Prime Minister from Prime Minister stating that recent changes in His Majesty's Government will not affect arrangements made for the Conferences ... 133
204 To the Governor-General Commonwealth of Aus- tralia, Telegram, Con- fidential ... May 30	Transmits message for Prime Minister stating that substance of No. 195 is being communicated to other Dominion Prime Ministers, and notifying General Smuts's concurrence in proposed agenda ... 133
205 To the Governor-General Union of South Africa, Telegram, Confidential May 30	Transmits message for Prime Minister communicating substance of No. 195 ... 133
206 To the Governors General and Governor Canada, New Zealand, Newfoundland, Tele- gram, Confidential ... May 30	Transmits message for Prime Minister communicating substance of Nos. 195 and 197 ... 134
207 The Governor-General Canada, Telegram ... May 31 (Rec. May 31)	Transmits message from Prime Minister expressing thanks for information conveyed in No. 203 ... 134

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
208 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Confidential June 4	States that memoranda referred to in No. 200 has been sent by mail and enquires whether these and subsequent memoranda should be communicated to the High Commissioner ... 134
209 Canadian House of Commons June 5	Questions and Answers as to an opportunity for the House to discuss the agenda of the Conferences and the lines of policy to be followed in regard to the questions to be dealt with ... 135
210 The Governor-General New Zealand, Telegram, Confidential ... June 6 (Rec. June 6)	Transmits message for Prime Minister enquiring whether some slight postponement of the opening of the Imperial Conference could be arranged ... 136
211 The Governor-General Union of South Africa, Telegram, Confidential June 6 (Rec. June 6)	States that Prime Minister concurs in Secretariat arrangements for the Economic Conference and will nominate a member, that no special office accommodation is required, and that he would like copies of all memoranda supplied to the High Commissioner ... 136
212 To the Governor-General Irish Free State, Confidential ... June 8	Transmits copy of No. 203 ... 136
213 To the Governor-General Irish Free State, Confidential ... June 8	Transmits copies of No. 206 ... 137
214 To the Governor-General New Zealand, Telegram June 9	Transmits message for Prime Minister regretting that opening date of Imperial Conference cannot be postponed, but pointing out that most important discussions will probably not take place until the second week of October ... 137
215 House of Commons June 12	Questions asked regarding the representation of industry and commerce in connexion with the Imperial Economic Conference and Sir P. Lloyd-Greame's replies thereto ... 137
216 House of Commons June 14	Question asked by Mr. Hurd regarding the appointment of an Advisory Agricultural Committee in connexion with the Economic Conference, and Sir R. Sanders's reply thereto ... 138
217 House of Commons June 14	Question asked by Viscount Sandon regarding facilities for Parliamentary discussion on Empire policy and of the coming Conference, and the Prime Minister's reply thereto ... 138
218 The Governor-General New Zealand, Telegram, Confidential ... June 14 (Rec. June 14)	States that his Prime Minister concurs in agenda outlined in No. 188, and will forward any additional suggestions shortly ... 138
219 The Governor-General Canada, Telegram, Confidential ... June 15 (Rec. June 16)	Transmits message from Prime Minister stating in reply to No. 199, that Canadian Government has no additional subjects to suggest ... 139
220 The Governor-General Canada, Telegram, Confidential ... June 15 (Rec. June 16)	Transmits message from Prime Minister acknowledging receipt of Economic Conference memoranda, and requesting that copies be supplied to High Commissioner and that the latter be kept informed on all matters relating to both Conferences ... 139

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
221 The Governor-General Canada, Telegram, Confidential ... June 15 (Rec. June 16)	Transmits message for Prime Minister indicating proposed composition of Canadian Delegations to Conferences, concurring generally in agenda outlined in No. 188, and suggesting the addition of the question of permitting Dominions to publish official despatches at their discretion ... 139
222 House of Commons June 25	Question asked by Lieut. Colonel Norton-Griffiths as to the representation of the British Protectorates and Mandated Territories at the Conferences, and Mr. Ormsby-Gore's reply ... 140
223 House of Commons June 25	Question asked by Mr. Ponsonby as to the participation of the Dominion Governments in the control of foreign policy and the Prime Minister's reply ... 140
224 To the Governor-General Canada, Telegram, Confidential ... July 3	Transmits message from Prime Minister stating that other Prime Ministers are being notified of addition to Imperial Conference agenda suggested in No. 221 ... 141
225 To the Governors-General and Governor Commonwealth of Australia, Union of South Africa, Newfoundland, Telegram, Confidential July 3	Transmits message for Prime Minister communicating purport of Nos. 221 and 218 ... 141
226 To the Governor-General New Zealand, Telegram, Confidential ... July 3	Transmits message for Prime Minister communicating substance of No. 221 ... 141
227 The Governor-General Commonwealth of Australia, Telegram ... July 5 (Rec. July 5)	Suggests two further nationality questions for discussion at the Imperial Conference ... 142
228 To the Governor-General Irish Free State, Confidential ... July 5	Transmits copies of No. 225 ... 142
229 The Governor-General New Zealand, Telegram July 6 (Rec. July 6)	Summarizes main points of Prime Minister's speech in moving a resolution in the House of Representatives to the effect that decisions of Conference are only obligatory upon a Dominion when approved by the Parliament of that Dominion ... 142
230 House of Commons July 9	Questions asked as to the policy of the Government concerning matters to be discussed at the Imperial Conference and the Prime Minister's replies ... 143
231 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa and Newfoundland, Telegram, Confidential ... July 16	Transmits message for Prime Minister indicating the lines on which His Majesty's Government will be prepared to consider schemes of financial co-operation for assisting early development of public utility undertakings in Dominions ... 144
232 House of Commons July 18	Question asked by Sir Edwin Stockton as to the holding of meetings of Imperial Conference in one or other of the Dominion capitals, and the Prime Minister's reply ... 144
233 The Governor-General Commonwealth of Australia, Telegram ... July 19 (Rec. July 19)	Asks that the Australian experts who will serve at the Imperial Economic Conference may be furnished with memoranda as suggested ... 145
234 The Governor-General Commonwealth of Australia, Telegram ... July 19 (Rec. July 19)	States that Prime Minister assumes that question of reparations will be considered under heading 2 of the Agenda of the Imperial Conference, or that it may be listed specially for discussion ... 145

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
235 The Governor-General Commonwealth of Aus- tralia, Telegram ... July 19 (Rec. July 19)	Transmits message from Prime Minister enquiring whether there is any objection to the publication of cables and whether any further items have been listed 145
236 To the Governor-General Irish Free State, Confi- dential ... July 19	Transmits copy of No. 231 ... 146
237 To the Governor-General Commonwealth of Aus- tralia, Telegram ... July 20	States that other Dominions are being informed of the Commonwealth Government's suggestion in No. 227 146
238 To the Governors-General and Governor Canada, New Zealand, Union of South Africa, Newfoundland, Telegram ... July 20	Transmits message for Prime Minister communicating the further subjects for discussion suggested in No. 227 ... 146
239 To the Governor-General Commonwealth of Aus- tralia, Telegram ... July 23	Transmits message for Prime Minister concurring in the proposals in No. 235, but assuming no reference will be made to the subject of publication of corres- pondence proposed by Canadian Government ... 147
240 To the Governors-General and Governor New Zealand, Union of South Africa and New- foundland, Telegram ... July 23	Transmits message for Prime Minister communicating substance of No. 239 ... 147
241 To the Governor-General Irish Free State, Confi- dential ... July 23	Transmits copy of No. 238 ... 147
242 To the Governor-General Commonwealth of Aus- tralia, Telegram ... July 24	In reply to No. 234, states that question of reparations will be considered under the heading of Foreign Affairs ... 148
243 To the Governor-General Irish Free State, Confi- dential ... July 24	Transmits copies of Nos. 235 and 239 ... 148
244 House of Lords July 25	Extract from a speech by the Duke of Devonshire regard- ing representation of Crown Colonies and Protectorates at the Economic Conference ... 148
245 The Governor-General Commonwealth of Aus- tralia, Telegram ... July 26 (Rec. July 26)	Prime Minister asks that copies of all Imperial Economic Conference memoranda may be forwarded to the High Commissioner ... 148
246 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Telegram ... August 1	Transmits message for Prime Minister stating as additional subjects proposed for discussion at the Economic Conference, the desirability of a common Empire policy as regards certain aspects of Work- men's Compensation, and the free admission of trade catalogues received through the post from other parts of the Empire ... 149
247 House of Commons August 2	Question by Sir J. Norton-Griffiths, and the Prime Minister's reply giving information as to the agenda of the Imperial Conference ... 149
248 To the Governor-General Irish Free State, Confi- dential ... August 3	Transmits copy of No. 246 ... 150

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
249 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Telegram ... August 15	Transmits message for Prime Minister from Prime Minister stating that it is proposed to include subject of Bills of Lading in Imperial Economic Conference Agenda, and that memorandum and copies of sea Carriage of Goods Bill are being sent by mail ... 150
250 The Governor-General New Zealand, Telegram August 16 (Rec. Aug. 16)	Suggests additional subjects for discussion at the Conferences ... 151
251 The Governor-General Irish Free State, Confi- dential... ... August 15 (Rec. Aug. 18)	Expresses agreement of Ministers and President with proposed Agenda; proposes an additional subject for discussion at the Economic Conference and enquires as to the latest date for receiving further subjects ... 151
252 To the Governor-General New Zealand, Telegram August 20	States that substance of No. 250 has been communicated to other Dominions and gives substance of No. 251 ... 151
253 To the Governors-General and Governor Canada, Commonwealth of Australia, Union of South Africa, Newfound- land, Telegram ... August 20	Transmits message for Prime Minister communicating the proposal by New Zealand to discuss the New Hebrides Condominium at the Imperial Conference, and stating that President of Executive Council, Irish Free State, has expressed his general agreement with Agenda ... 152
254 To the Governors-General and Governor Canada, Commonwealth of Australia, Union of South Africa, Newfound- land, Telegram ... August 20	Transmits message for Prime Minister giving further subjects for discussion at the Economic Conference as proposed by New Zealand in No. 250, and by the Irish Free State in No. 251 ... 152
255 To the Governor-General Irish Free State, Confi- dential... ... August 28	Transmits copies of Nos. 254 and 253, and asks that as long notice as possible may be given of any further subjects for discussion at the Conference ... 152
256 The Governor-General New Zealand, Telegram August 25 (Rec. Aug. 25)	In reply to No. 252 asks that memoranda may be communicated to High Commissioner ... 153
PROCEDURE AS TO DIRECT COMMUNICATION WITH THE AUSTRALIAN STATES ON MATTERS ARISING OUT OF THE IMPERIAL ECONOMIC CONFERENCE, 1923.	
1924	
257 Mr. E. J. Harding to Sir R. R. Garran January 11	Indicates matters arising out of the Imperial Economic Conference on which it is proposed to communicate direct with the Australian States, and requests Mr. Bruce's views ... 153
258 Sir R. R. Garran to Mr. E. J. Harding January 25	In reply to No. 257, states that Mr. Bruce sees no objection to direct communication with the States on the subjects mentioned with two exceptions ... 155

XI.

IMPERIAL CONFERENCE, 1923.
(Summary of Proceedings Cmd. 1987.)

(i.) STATUS OF HIGH COMMISSIONERS.

(a) Precedence of High Commissioners.

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
259 The Duke of Devonshire to [The Right Hon. W. L. Mackenzie-King] [The Right Hon. S. M. Bruce] [The Right Hon. J. C. Smuts] [The Right Hon. W. F. Massey] [Mr. W. T. Cosgrave] [The Hon. W. R. Warren] Private and Personal January 21	Outlines proposals as to Precedence of Dominion High Commissioners in London ... 157
260 The Secretary to the Prime Minister Commonwealth of Australia to Mr. E. H. Marsh Confidential ... January 28	States that Prime Minister has no objection to the Table of Precedence outlined in No. 259 ... 158
261 The Right Hon. W. L. Mackenzie King to the Duke of Devonshire Private and Personal January 31	States that the arrangement proposed in No. 259 appears to be entirely acceptable ... 158
262 The Right Hon. J. C. Smuts to the Secretary of State February 21	Ditto ... 159
263 The Governor Newfoundland, Telegram April 21 (Rec. April 22)	Prime Minister states that proposals made in No. 259 are generally acceptable ... 159
264 The Governor-General New Zealand, Telegram April 23 (Rec. April 23)	Ditto ... 159
265 Mr. W. T. Cosgrave to the Secretary of State April 19	States that proposals in No. 259 are acceptable, pending the general revision of the Table of Precedence, and on the question of exemption from taxation, urges that High Commissioners should be accorded the same privileges as Ambassadors ... 159
266 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... July 19	States that His Majesty approves of announcement embodied in No. 267, and that it is proposed to communicate it to the High Commissioner with certain other correspondence, and to make a statement in Parliament ... 160
267 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Confidential July 19	Gives text of announcement referred to in No. 266 ... 160

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
268 To the Governor-General Irish Free State, Confidential ... July 21	Transmits copies of Nos. 266 and 267, and states that it is proposed to communicate certain of the correspondence to the High Commissioner, and to make a statement in Parliament ... 161
269 The Secretary of State to [The Hon. P. C. Larkin] [The Right Hon. Sir J. Cook] [The Hon. Sir J. Allen] [The Hon. Sir E. Walton] [Mr. J. McNeill] [Mr. V. Gordon] Confidential ... July 25	Transmits copies of relative correspondence and statement to be made in Parliament on 29th July, and published in the <i>London Gazette</i> ... 161
270 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 370 ... August 7	Transmits copies of an announcement in the <i>London Gazette</i> of 29th July, relating to the precedence of High Commissioners on ceremonial occasions and states that an identical statement was made in the House of Commons on the same date ... 162
271 Mr. P. C. Larkin to Mr. J. H. Thomas July 26	States that some of the High Commissioners would like to discuss the announcement and would be glad if its presentation to Parliament could be postponed ... 162
272 Mr. J. H. Thomas to Mr. P. C. Larkin July 28	Explains that it is impossible to postpone the announcement ... 163

(b) Taxation of High Commissioners.

1924	
273 Mr. J. H. Thomas to [The Right Hon. W. L. Mackenzie King] [The Right Hon. S. M. Bruce] [The Right Hon. W. F. Massey] [General The Hon. J. B. M. Hertzog] [Mr. W. T. Cosgrave] [The Hon. W. S. Monro] Private and Personal October 10	Forwards copy of a Memorandum setting out the differences which exist between the privileges granted to foreign Ambassadors and Ministers and to High Commissioners in the matter of British taxation, and states willingness to extend the arrangement in regard to exemption from customs duties granted to High Commissioners ... 163
274 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Telegram December 20	Transmits message for Prime Minister stating that it is proposed that distinctions shown in enclosure to No. 273 should be removed and giving a full statement of additional personal privileges proposed to be granted to High Commissioners ... 166

(ii) NATIONALITY QUESTIONS.

1924	
275 The Governor-General Commonwealth of Australia 138 ... June 12 (Rec. July 28)	States that the Commonwealth Government desire to amend the Commonwealth Nationality Act so as to provide that the presidency of a Committee of Inquiry in connexion with the revocation of Certificates of Naturalization be held by persons holding judicial office of lower standing than that prescribed at present, but before doing so would be glad to learn the views of the British Home Office ... 167

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
276 The Governor-General Commonwealth of Australia 143 ... June 18 (Rec. July 28)	States that Ministers desire to amend the Commonwealth Nationality Act to permit of the re-admission to British Nationality of British born women married to unnaturalized aliens and deserted by or separated from them. Understands that such Amendment must be preceded by similar amendment of British Nationality and Status of Aliens Act and requests that the matter be given early and favourable consideration ... 168
277 To the Governor-General Commonwealth of Australia 336 ... September 11	Transmits copy of memorandum as to the practice and experience in the United Kingdom regarding the revocation of certificates of naturalization ... 168
278 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 526 ... November 6	Transmits copies of a draft Bill to amend the British Nationality and Status of Aliens Acts, 1914-1922, as regards naturalization of persons in Mandated Territories, and as regards the naturalization of women married to aliens and living apart from their husbands, together with an explanatory memorandum; also a memorandum on proposed further amendments of the Aliens Act, 1914, to provide for British nationality for children of the third generation born abroad during the War and for the retention of British nationality by British born women marrying aliens, but not acquiring the nationality of the husband ... 170
279 The Governor-General Commonwealth of Australia 292 ... October 15 (Rec. Dec. 1)	States that Commonwealth Government is in favour of the existing law being amended to provide that a British-born woman shall not on marriage lose her British nationality if she does not acquire that of her husband under the law of his country, and on the British Parliament passing such legislation will take similar action ... 174

(iii.): **VALIDITY OF MARRIAGES BETWEEN BRITISH SUBJECTS AND FOREIGNERS.**

(See Note on page 83).

(iv.): **PUBLICATION OF OFFICIAL CORRESPONDENCE.**

1923	
280 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 477, Confidential, Irish Free State, Confidential December [21] [22]	Transmits copy of statement prepared at the Imperial Conference regarding the publication of official correspondence between the various Governments of the Empire ... 175

XII.

IMPERIAL ECONOMIC CONFERENCE, 1923.

Summary of Conclusions (Cmd. 1990) Report (Cmd. 2009).

1. OVERSEA SETTLEMENT WITHIN THE EMPIRE.

(See Dominions No. 89).

2. CO-OPERATION IN FINANCIAL ASSISTANCE TO IMPERIAL DEVELOPMENT.

1924	
281 To the Governor-General Irish Free State 86 February 12	Enquires whether Ministers desire to avail themselves of the provisions of the scheme for co-operation in Financial Assistance to Imperial Development ... 178

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
282 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Southern Rhodesia, Telegram ... February 20	States that His Majesty's Government accept in principle the recommendation of the Imperial Economic Conference regarding co-operation in Financial Assistance to Imperial Development, and are initiating legislation in Parliament in order to give effect to it ... 179
283 The Governor Southern Rhodesia, Telegram ... February 29 (Rec. Feb. 29)	Enquires whether Resolution No. 2 of Imperial Economic Conference would apply to a scheme for erection of refrigerating works, and if so whether an application for assistance would be favourably considered ... 179
284 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 100, Southern Rhodesia 82 ... March 5	Transmits copies of an extract from the proceedings of the Imperial Economic Conference containing the Resolution and discussions on the subject of co-operation in Financial Assistance to Imperial Development, together with copies of the Trade Facilities Bill and an explanatory memorandum ... 180
285 To the Governor-General Irish Free State 152 ... March 5	Transmits copy of No. 282 ... 180
286 To the Governor Southern Rhodesia, Telegram ... March 13	In reply to No. 283 regrets that the scheme could not be considered to fall under heading of public utility undertakings ... 180
287 The Governor-General New Zealand, Telegram March 20 (Rec. March 20)	Transmits message from his Prime Minister regarding New Zealand's participation in the scheme recommended by the Committee on Financial Co-Operation, and requests that representations stated may be brought to the notice of the Chancellor of the Exchequer ... 181
288 To the Governor-General New Zealand, Telegram April 9	States that loans for capital expenditure for purposes indicated in first part of No. 287 would fall within scope of scheme. Explains that scheme provides only for payment of proportion of interest on account of loans, and pending passage of Bill it is not possible to consider what further information would be required regarding these or other proposals referred to ... 181
289 The Governor-General Irish Free State 188 ... May 16 (Rec. May 17)	States with reference to No. 281, that at the moment there are no projected undertakings of a character suitable for the application of the scheme ... 182
290 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Southern Rhodesia, Telegram ... July 16	Sets out procedure proposed in regard to applications under Section 2 of the Trade Facilities Act, 1924 ... 182
291 To the Governor-General New Zealand, Telegram July 16	States that, in view of passing of Trade Facilities Act, 1924, special applications will be needed in respect of schemes referred to in No. 287 ... 183
292 To the Governor-General Irish Free State 432 ... July 18	Transmits copy of No. 290 ... 183

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
293 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 387, Southern Rhodesia 330 ... August 18	Transmits copy of a Treasury Minute setting up a Committee to consider applications received under Section 2 of the Trade Facilities Act, 1924 ... 184
294 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 445, Southern Rhodesia 379 ... September 6	Transmits, with observations, copy of a memorandum prepared for the guidance of applicants for grants under Section 2 of the Trade Facilities Act ... 185
295 The Governor-General Irish Free State 361 September 9 (Rec. Sept. 10)	States that contents of Treasury Minute enclosed in No. 293 will be communicated to Ministers ... 186
296 The Governor-General Union of South Africa 588 ... November 8 (Rec. Nov. 24)	Transmits copy of Ministers' Minute stating that the present financial position of the Union is such that it will not be necessary for it to take advantage of the provisions of the Act ... 187
297 The Governor Southern Rhodesia 340 November 7 (Rec. Dec. 1)	States that memorandum enclosed in No. 294 will be published in the Government Gazette and in Salisbury and Bulawayo newspapers ... 187
298 The Governor-General New Zealand 253 November 12 (Rec. Dec. 27)	States, with reference to No. 294, that Ministers will be pleased to comply with the wishes of the Committee and to render whatever assistance may be necessary 187

3. IMPERIAL PREFERENCE.

(1) Tariff Preference.

1923	
299 House of Commons November 15	Question asked by Mr. Pringle as to reductions in Dominions duties on British goods, and Prime Minister's reply ... 188
1924	
300 The Governor-General Union of South Africa, Telegram, Private and Personal, Secret ... March 14 (Rec. Mar. 14)	Gives particulars of revised tariff showing increases of preference accorded Great Britain and states that its passage through Parliament would be facilitated if Preference proposals of last Imperial Conference are ratified before the end of the month ... 188
301 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... March 25	Transmits message for Prime Minister explaining the position of the Cabinet in regard to proposals placed before the Imperial Economic Conference in relation to Tariff Preference in this country ... 189
302 To the Governor-General Irish Free State, Secret March 27	Transmits copy of No. 301 ... 190
303 The Governor-General Union of South Africa, Telegram ... March 27 (Rec. Mar. 27)	Transmits message from Prime Minister desiring to have certain doubtful points in No. 301 cleared up ... 190

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
304 The Governor-General Commonwealth of Australia, Telegram ... March 28 (Rec. Mar. 28)	Transmits message from Prime Minister urging re-consideration of course of action which No. 301 appears to contemplate ... 190
305 The Governor-General New Zealand, Telegram April 2 (Rec. April 2)	Transmits message from Prime Minister stating his views on No. 301 ... 191
306 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Secret ... April 25	Transmits message from Prime Minister outlining procedure which it is proposed to adopt in regard to Tariff Preference proposals placed before Conference ... 192
307 To the Governor-General Union of South Africa, Telegram, Secret ... April 25	States that Prime Minister is unable to answer No. 303 further until Cabinet meets on April 29th, except to say that dried fruits were included in "food" in No. 301 ... 193
308 To the Governor-General Irish Free State, Secret (2) ... April 25	Transmits copy of No. 306 ... 193
309 The Governor Southern Rhodesia 287 September 4 (Rec. Sept. 29)	Acknowledges despatch transmitting debates in the House of Lords on Imperial Preference and states that Ministers are of opinion that proposed duties would have been of great benefit to Southern Rhodesia ... 194
310 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Secret December 13	Transmits message from Prime Minister indicating the attitude which His Majesty's Government propose to adopt with regard to the Preference resolutions of the Economic Conference ... 194
311 To the Governor-General Irish Free State, Secret December 15	Transmits copy of No. 310 ... 195
312 The Governor-General Canada, Telegram, Secret December 16 (Rec. Dec. 17)	Convey's views of Ministers on proposals outlined in No. 310 ... 195
313 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 589, Southern Rhodesia 590 ... December 23	Transmits copy of a report of a debate in the House of Commons on Imperial Preference including a statement of the policy of His Majesty's Government ... 195
(2) Imperial Preference in Public Contracts.	
1923	
314 The Governor-General Union of South Africa 541 ... October 31 (Rec. Nov. 20)	Transmits copy of Minute from Ministers representing the desire of the South African Federated Chamber of Industries to be informed through the British Empire Producers' Organization of all tenders called for in South Africa or the East by British spending departments ... 197

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
315 Office of the High Commissioner of New Zealand December 21	States that New Zealand Government desires that various purchasing departments of the Imperial Government should communicate to the British Empire Producers' Organization such details as may assist Dominion tenderers and answer enquiries and consider representations made by the Organization on their behalf ... 198
1924	
316 The Governor Victoria 32 ... November 23, 1923 (Rec. Jan. 14, 1924)	Transmits copy of a letter from the Associated Chambers of Manufacturers of Australia asking that information as to tenders for Departments of His Majesty's Government should be communicated to the British Empire Producers' Organization ... 199
317 To the Governor-General Union of South Africa 148 ... May 19	In reply to No. 314, considers it would be more convenient to use the official representatives of the Union Government in London or His Majesty's Trade Commissioners in the Union as the channel of communication ... 200
318 To the Governor Victoria 28 ... May 19	In reply to No. 316; thinks it would be more convenient that the representative in London of the Government of Victoria or His Majesty's Trade Commissioners in Australia should be used as the channel of communication ... 201
319 To Office of the High Commissioner for New Zealand May 21	In reply to No. 315, thinks it would be more convenient that the official representative of New Zealand in London or His Majesty's Trade Commissioners in New Zealand should be used as the channel of communication ... 201

4. FURTHER STEPS FOR THE IMPROVEMENT OF MUTUAL TRADE.

(A) Imperial Co-operation in respect of Commercial Intelligence.

(i.) Commercial Diplomatic and Consular Services.

1924	
320 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 493, Southern Rhodesia 432 ... October 14	Transmits copy of extract from the report of the Proceedings of the Imperial Economic Conference regarding Commercial Intelligence Services, together with a copy of a circular despatch containing instructions for the guidance of Diplomatic and Consular Officers, and enquires whether Dominion Governments endorse the proposed offer of the services of Dominion Trade Commissioners ... 202
321 The Governor-General Irish Free State 456 December 15 (Rec. Dec. 16)	States that Ministers endorse proposal referred to in paragraph 3 of No. 320 ... 204

(ii.) Commercial Travellers' Samples.

(iii.) Trade Catalogues.

1924	
322 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 135 ... March 21	Invites attention of Ministers to Resolutions of the Imperial Economic Conference on the subject of commercial travellers' samples and trade catalogues and price lists ... 205
323 To the Governor Southern Rhodesia 138 April 16	Ditto ... 205

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
324 The Governor-General Irish Free State 218 ... June 4 (Rec. June 5)	States in reply to No. 322, that as regards commercial travellers' samples the purpose appears to have been achieved by the reciprocal arrangement with Great Britain, and as regards trade catalogues and price lists, Ministers concur in recommendations of the Conference. Adds that, so far as the Saorstat is concerned, trade catalogues and price lists are not liable to duty ... 206
325 The Governor-General New Zealand 95 ... May 21 (Rec. June 30)	States that arrangements have already been made for facilities for admission of commercial travellers' samples to New Zealand and adds that trade catalogues and price lists are admitted free of duty, except for primage duty and single copies are free of duty ... 206
326 The Governor-General Canada 279 ... June 26 (Rec. July 5)	Transmits copy of an approved Minute of the Privy Council to the effect that it is not deemed necessary or advisable to make any change in the present practice of the Canadian Government in regard to the two subjects mentioned in No. 322 ... 206
327 The Governor-General Union of South Africa 311 ... June 23 (Rec. July 14)	Transmits Ministers' Minute stating that matters referred to in No. 322 are already dealt with in conformity with the Resolutions of the Imperial Economic Conference, and gives briefly the Union laws and regulations ... 209
328 The Governor Southern Rhodesia 195 July 2	Approves proposed reciprocal arrangement described in No. 323, and states that catalogues, etc., issued by Empire firms are admitted free of duty ... 210
329 To the Governor-General Irish Free State 611 ... October 28	Enquires whether exemption from stamp duties on samples carried by commercial travellers could be accorded in the same way as exemption from custom duties ... 210
330 To the Governor Southern Rhodesia 459 November 4	Reports issue of instructions to admit into this country, free of duty, samples of dutiable goods brought by commercial travellers from Southern Rhodesia, subject to usual conditions ... 211

(B) STATISTICS.

1924	
331 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 77, Southern Rhodesia 65 ... February 27	Transmits copies of an extract from the Proceedings of the Imperial Economic Conference containing a resolution on the subject of Trade Statistics and states that the Board of Trade are examining the matter with a view to submitting a revised scheme of Imperial Statistics ... 211

(C) IMPERIAL COMMUNICATIONS.

(i.) Shipping.

(a) Imperial Shipping Committee.

1924	
332 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 218 ... May 12	Transmits copies of Resolutions adopted by the Imperial Economic Conference regarding the Imperial Shipping Committee, and states that His Majesty's Government readily endorse the Resolutions ... 212

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
(b) Carriage of Goods by Sea.	
1924	
333 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 102 ... March 5	Transmits copies of extracts from the proceedings of the Imperial Economic Conference relating to Bills of Lading, and encloses copies of Question and Answer in House of Commons indicating the position with regard to the Carriage of Goods by Sea Bill ... 213
334 Office of the High Commissioner for New Zealand August 16	Notifies the receipt of a memorandum from the New Zealand Government stating the circumstances in which it has been decided not to re-open the question as far as New Zealand is concerned ... 214
335 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 435 ... September 3	Transmits copies of the Carriage of Goods by Sea Act, 1924 ... 215
336 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 519 ... November 1	Transmits copies of Order in Council of 9th October, providing for the coming into operation of the Carriage of Goods by Sea Act, on 1st January, 1925 215

(c) Shipping Taxation.

1924	
337 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, Dominions 297 ... June 30	Transmits copies of extract from Report of Proceedings of the Economic Conference relating to shipping communications and other shipping questions and invites attention to the Report of the Shipping Taxation Committee ... 216
338 The Governor-General New Zealand, 162 ... August 15 (Rec. Sept. 16)	States that New Zealand Government is willing to adopt the recommendation of the Shipping Taxation Committee as set forth in the Committee's Report and that the Taxing Authorities will make assessments in respect of non-resident shipowners in accordance therewith ... 216
339 The Governor Queensland 29 ... August 26 (Rec. Oct. 6)	In reply to No. 337, transmits copy of a letter from his Premier quoting the text of a report received from the Queensland Commissioner of Taxes, and stating he is unable to recommend any amendment of the existing law ... 217
340 To the Governor-General Commonwealth of Australia 374 ... October 15	Transmits copy of No. 339 ... 218

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
341 The Acting Governor Tasmania 34 ... October 6 (Rec. Nov. 17)	Transmits copy of despatch from Premier stating the position in regard to the taxation of Foreign Shipping Companies and that Ministers are of opinion that the question raised in the Report of the Taxation Committee should be discussed at the next Conference of State Premiers ... 218
342 To the Governor-General Commonwealth of Australia 425 ... December 6	Transmits copy of No. 341 ... 219
(ii.) Air Navigation.	
(a) Airship Services.	
1924	
343 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 236, Southern Rhodesia 176 ... May 24	Transmits copy of a statement by the Prime Minister made in the House of Commons on the policy of His Majesty's Government regarding the British Airship Service ... 219
(b) Exchange of Information.	
1924	
344 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 385 ... August 15	Transmits extracts from proceedings of Imperial Economic Conference and the Resolutions on the subject of Air Communications; also a memorandum setting out draft procedure for exchange of information relating to Civil Aeronautics. Requests observations ... 221
345 The Governor Newfoundland 104 ... September 11 (Rec. Sept. 30)	States, with reference to No. 344, that Ministers have no observations to make on procedure proposed and that at present no aviation is being undertaken in Newfoundland ... 221
346 The Governor-General Canada 413 ... September 30 (Rec. Oct. 10)	Transmits copy of letter from Department of External Affairs setting forth the views of the Canadian Government on No. 344 ... 222
347 The Governor-General Union of South Africa 559 ... October 14 (Rec. Nov. 3)	Transmits copy of Ministers' Minute concurring in the recommendations set forth in the memorandum in No. 344, and notifying the appointment of the Secretary of the Union Civil Air Board as Empire Liaison Officer ... 223
348 The Governor-General New Zealand 223 ... October 7 (Rec. Nov. 13)	States with reference to No. 344, that Ministers concur in proposed procedure ... 223
349 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 592 ... December 23	Gives names of officers nominated as Liaison Officers under the scheme referred to in No. 344, and suggests that information concerning accidents should be exchanged between the Liaison Officers in a letter to be written immediately ... 224

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
(c) Civil Aviation Advisory Board.	
1924	
350 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 344 ... July 28	States that consequent on the agreement concluded with the Imperial Airways, Limited, it has been decided to dissolve the Civil Aviation Advisory Board, and that consultation with the Dominions representatives, when desired, should take the form of <i>ad hoc</i> conferences ... 224
351 The Governor-General Canada 360 ... August 20 (Rec. Aug. 30)	States with reference to No. 350 that the Defence Department has expressed satisfaction at the assurance that facilities for discussion with the Dominion representatives will continue ... 225

(iii.) Cables and Wireless.**(a) Imperial Wireless Scheme.**

1924	
352 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram, Confidential ... February 26	Gives résumé of work of Imperial Wireless Committee and states their recommendations. Requests views 226
353 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... March 1	Notifies the publication of the Report of the Wireless Committee ... 227
354 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 97, Southern Rhodesia 81 ... March 5	Transmits copies of Committee's Report with copies of an extract from <i>The Times</i> containing an announcement by the Government of India with regard to the Indian link in the Imperial Wireless Scheme... 228
355 The Governor-General New Zealand, Telegram, Confidential ... March 7 (Rec. Mar. 7)	States that New Zealand Government strongly supports the Report and recommendations of the Wireless Committee ... 229
356 House of Commons March 11	Question asked by Sir B. Chadwick regarding wireless rates with South Africa, and Australia, and the Postmaster-General's reply ... 229
357 The Governor-General Canada, Telegram Confidential ... March 18 (Rec. Mar. 13)	States that policy outlined in third paragraph of Report of Wireless Committee is satisfactory to Canada and its adoption will not necessitate any change in general policy of Canada with regard to Imperial Radio ... 229
358 The Governor-General Union of South Africa, Telegram, Confidential March 14 (Rec. Mar. 14)	States position with regard to their Agreement with Marconi Company, but sees no objection to the adoption of the Committee's recommendations provided efficient service is guaranteed to South Africa 229
359 The Governor-General Commonwealth of Australia, Telegram, Confidential... March 26 (Rec. Mar. 26)	Message from Prime Minister representing that if the recommendation of the Wireless Committee that the Post Office should own all wireless stations in Great Britain communicating with Dominions is given effect to, it will be unfair to Australia, and asking that the Marconi Company or Australia may be allowed to erect a reciprocal station in British ... 230

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
360 The Viceroy, Delhi, to the India Office, Telegram March 27 (Rec. C. Q. Apr. 10)	Transmits observations on the recommendations of the Wireless Committee as affecting the proposed scheme for the Indian station ... 231
361 To the Governor-General Commonwealth of Australia, Telegram, Confidential ... April 10	Replies to the representations in No. 359, and regrets inability to meet the views expressed by the Australian Government ... 232
362 To the Governor-General Canada, Telegram, Confidential ... April 10	States that His Majesty's Government favour adoption of Recommendation One of the Wireless Committee's Report without the exception in the case of the Canadian Service suggested as an alternative in Recommendation Three, and that Cabinet Committee has been appointed to negotiate with the Marconi Company in this country as regards Empire inter-communication on above basis ... 233
363 To the Governors-General Union of South Africa, New Zealand, Telegram Confidential ... April 10	Ditto ... 233
364 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram, Confidential ... May 1	States that Marconi has suggested reconsideration of His Majesty's Government's wireless proposals in view of his experiments by means of short waves and reflectors ... 234
365 The Governor-General New Zealand, Telegram, Confidential ... May 8 (Rec. May 8)	States, with reference to No. 364, that the proposed reflection system would not meet the requirements of New Zealand ... 235
366 The Governor-General Commonwealth of Australia, Telegram ... May 15 (Rec. May 15)	States that Commonwealth Government is not prepared to take any definite action with regard to direct wireless communication until it has further information as to the effect of the new systems on long distance communication, and in particular whether it is possible high power long distance stations as contemplated up to the present are going to be proved unnecessary ... 235
367 The Governor-General Union of South Africa, Telegram, Confidential May 15 (Rec. May 15)	Desires to reserve any decision until their expert adviser has been able to discuss matter with His Majesty's Government's experts, the Marconi Company, and the Union Postmaster-General in this country in June ... 236
368 The Governor-General Commonwealth of Australia, Telegram ... May 24 (Rec. May 24)	States that Prime Minister presumes that there is no objection to his publishing technical details contained in No. 364 ... 236
369 To the Governor-General Commonwealth of Australia, Telegram ... May 26	Requests that publicity of technical details be deferred until Postmaster-General has been consulted ... 236
370 To the Governor-General Commonwealth of Australia, Telegram, Confidential ... May 30	States that Postmaster-General considers it inadvisable at present to publish information contained in No. 364 and that announcement of result of negotiations with Marconi Company should be made simultaneously here and in Dominions concerned ... 236
371 The Governor-General Canada, Telegram, Confidential ... June 17 (Rec. June 17)	Conveys representation of the Canadian Marconi Company regarding the transmission of messages via a State-owned station in England, and observes that if proposals suggested are carried into effect Canada will lose benefits that might have resulted from establishment of high power station by Canadian Marconi Company ... 237

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
372 To the Governor-General Canada, Telegram, Con- fidential ... June 30	States that Marconi Company accept decision that ownership and operation of stations in this country must be in Government hands and that Canadian Company will proceed to erect beam stations in Canada and have agreed, on conditions, to erect reciprocal stations in this country ... 237
373 The Governor-General Union of South Africa, Telegram, Confidential July 4 (Rec. July 4)	States that Ministers have decided to allow South African Wireless Telegraph Company an extension of six months in order that a new type of station may be erected and tested; adoption of the beam system not yet decided upon ... 238
374 To the Governors-General Commonwealth of Aus- tralia, New Zealand, Union of South Africa, Telegram, Confidential July [7] [10] [21]	States that Marconi Company accept decision regarding ownership and operation of stations in this country, that their Canadian Company will erect beam stations in Canada, and that His Majesty's Government will give order to Company here to erect beam station for communication to Canada, capable of extension to communicate with Australia, South Africa, and India 238
375 To the Governor-General Canada, Telegram, Con- fidential ... July 10	States proposed conditions for the erection of the beam station in this country, and that His Majesty's Government are still of opinion that beam stations will be useful as auxiliary only to super-stations ... 239
376 The Governor-General Commonwealth of Aus- tralia, Telegram ... July 12 (Rec. July 12)	States that his Government has decided to erect stations for beam transmission and that if His Majesty's Government intend to assume full control of all stations in Great Britain it will be necessary to have certain guarantees, and also that the Amalgamated Wireless Company should be represented on the controlling authority in Great Britain ... 240
377 To the Governor-General Commonwealth of Aus- tralia, Telegram, Con- fidential ... July 15	Advises postponement until 23rd July of proposed public announcement regarding Imperial Wireless scheme and asks that any contemplated announcement in Australia may be similarly postponed ... 241
378 To the Governors-General Canada, New Zealand, Telegram, Confidential July 15	Ditto ... 241
379 The Governor-General New Zealand, Telegram, Confidential ... July 17 (Rec. July 17)	States that Ministers have no objection to inclusion in the proposed public announcement of statement suggested in the last paragraph of No. 374 ... 241
380 The Governor-General Canada, Telegram, Con- fidential ... July 18 (Rec. July 18)	Notes contents of No. 375, and proposes to make simultaneous announcement to Canadian Press. States that licence for beam station to communicate with the British Government station will be issued as soon as application is received ... 241
381 To the Governor-General Commonwealth of Aus- tralia, Telegram ... July 22	Draws attention to the deficiencies of the beam system from a strategic point of view. Adheres to decision regarding ownership and working of stations in Great Britain. Discusses question of rates of charge. States that the erection of beam station would be proceeded with immediately site obtained and that the station would be completed in from six to nine months 242
382 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Irish Free State, Newfoundland, Domin- ions 353. Southern Rhodesia 295 ... July 31	Transmits copies of the Official Report of the proceed- ings in the House of Commons on 23rd July containing a statement by the Postmaster-General respecting the Imperial Wireless Service ... 242

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
383 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Irish Free State, Newfoundland, Domin- ions 381 Southern Rhodesia 323 ... August 13	Transmits copy of Contract with the Marconi Company for the erection of beam stations together with a report of the Proceedings in the House of Commons on 1st August at which the contract was discussed and approved ... 244
384 To the Governor-General Union of South Africa, Telegram, Confidential August 16	Enquires whether Union Government propose to accept beam station in lieu of high power station and hopes that Ministers will erect a high power station whatever their decision may be as to beam stations. States that if Union Government adhere to arrangements for testing beam station, arrangements will be made for erection of corresponding station in England 244
385 To the Governors-General and Governor Canada, Confidential (2) Irish Free State Con- fidential, Newfoundland, Confidential (2) ... August 25	Transmits for information, copy of an interim report by the Wireless Sub-Committee of the Imperial Communications Committee, on the question of a wireless system for the Colonies, together with a covering note by the Chairman of the Sub-Committee ... 245
386 To the Governors-General Commonwealth of Aus- tralia, New Zealand, Confidential (2) ... August 25	Transmits copy of an interim report on the question of a wireless system for the Colonies by the Wireless Sub-Committee of the Imperial Communications Committee, together with a covering note by the Chairman of the Committee. Draws attention to the assumption on which the recommendations in the report regarding wireless communications in Southern and Western Pacific waters are based ... 245
387 The Governor-General Union of South Africa, Telegram, Confidential August 26 (Rec. Aug. 26)	States that Ministers are unable to decide finally as to the type of station to be adopted until after the trial of the beam system ... 246
388 To the Governor-General Commonwealth of Aus- tralia, Telegram ... August 28	Requests short summary of Bill amending agreement between Commonwealth Government and Amalgamated Wireless Company and of Prime Minister's statement introducing it ... 246
389 The Governor-General Commonwealth of Aus- tralia, Telegram September 2 (Rec. Sept. 2)	Gives summary asked for in No. 388 ... 246
390 To the Governor-General Union of South Africa, Confidential ... September 10	Transmits, with observations, copy of an interim report by the Wireless Sub-Committee of the Imperial Communications Committee, on the question of a wireless system for the Colonies, together with a covering note by the Chairman of the Committee. Requests views on the proposals affecting the Union ... 247
391 To the Governor-General Commonwealth of Aus- tralia, Telegram September 12	Enquires on behalf of Postmaster-General, whether payment provided for in Clause 4 of Bill applies in respect of all messages handled by Company or whether it applies only to messages collected and delivered by Commonwealth Post Office on behalf of Company ... 248
392 To the Governor-General Commonwealth of Aus- tralia, Telegram September 25	States that Postmaster-General would be glad to be informed as soon as it has been definitely decided that beam station shall be erected in Australia, and also probable date of completion in order that arrangements may be made for erection of corresponding station in England ... 249

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
393 The Governor-General Canada, Confidential September 16 (Rec. Sept. 27)	Gives information regarding high power stations in commission and contemplated; also as to proposed beam stations at Montreal and Vancouver ... 249
394 The Governor-General Commonwealth of Australia, Telegram October 17 (Rec. Oct. 17)	In reply to No. 391, states that provided the British Government agrees to an equal division of the total revenue in respect of traffic between the United Kingdom and the Commonwealth, Commonwealth Government proposes to adopt tariff charges which appear in Clause 5 of Bill ... 249
395 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Secret ... October 22	Gives the results of Admiralty investigations as regards the possibilities of cable-cutting in war-time by means not hitherto used, in consequence of which they urge the development of alternative communications; also encloses copy of a Report by a special Sub-Committee of the Imperial Communications Committee on the question of the strategical importance of Beam stations ... 250
396 To the Governor-General Commonwealth of Australia, Telegram ... October 27	States that Postmaster-General agreed to the equal division of revenue total and the tariff charges referred to in No. 374, on the understanding mentioned in regard to terminal rate charges ... 252
397 The Governor-General Commonwealth of Australia, Telegram November 19 (Rec. Nov. 19)	In reply to No. 392, states that wireless contracts have not yet been placed and consequently impracticable to give probable date of completion, but will send information as soon as it is available ... 252
398 The Governor-General Commonwealth of Australia, Telegram November 19 (Rec. Nov. 19)	Agrees that each Administration be responsible for payment of its own terminal rates; also that question of tariff charges and division thereof between two Administrations for traffic other than that passing direct shall be determined by separate negotiation ... 252
399 The Governor-General Union of South Africa, Telegram, Confidential December 1 (Rec. Dec. 1)	Reports on proposed equipment of Durban station at Jacobs and states, as regards Walfisch Bay, that Ministers are not yet in a position to come to a decision 253
400 The Governor-General Canada, Secret... November 24 (Rec. Dec. 5)	States that the Department of Marine and Fisheries has discussed with the Canadian Marconi Company the possibility of interference by and with the Beam station which they are licensed to install at Drummondville, and that the Company is under no misapprehension in this regard ... 253

(b) Imperial Communications Committee.

(c) State-owned Atlantic Cable.

(d) Preference to British Companies.

1924

401 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 230 ... May 22	Transmits with observations extract from the Report of the Proceedings of the Imperial Economic Conference, 1923, containing discussions on the subject of Cable and Wireless Communications ... 253
402 The Governor-General Union of South Africa 312 ... June 23 (Rec. July 14)	Transmits Ministers' views on the Resolution and recommendations referred to in No. 401 ... 254

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
403 The Governor-General Canada 371 ... August 23 (Rec. Sept. 3)	Quotes expression of views received from the Department of Marine and Fisheries in regard to Resolutions referred to in No. 401 ... 254
404 The Governor-General New Zealand 157 ... August 7 (Rec. Sept. 16)	States that Government will give sympathetic consideration to recommendation that in concessions given to private enterprise preference should be given to British Companies, and considers that all means of inland communication should be over State-owned and State-operated lines ... 255
(D) RECIPROCAL ENFORCEMENT OF JUDGMENTS, INCLUDING ARBITRATION AWARDS.	
1924	
405 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, Dominions 124, Southern Rhodesia 96 ... March 14	Transmits extract from the proceedings of the Imperial Economic Conference, 1923, relating to Reciprocal Enforcement of Judgments, together with a list showing the territories to which Part II of the Administration of Justice Act, 1920, up to 1st March, 1924, has been extended by Orders in Council ... 256
406 To the Governors-General and Governors Canada 119, Commonwealth of Australia 109, Union of South Africa 77, New South Wales 32, Queensland 24, Tasmania 18 ... March 14	Suggests with reference to No. 405 that matter should now be further considered ... 257
407 The Governor-General Union of South Africa 217 ... April 30 (Rec. May 20)	Transmits Minute from Ministers repeating the hope previously expressed that it may be found possible at some future date to introduce the necessary legislation 258
408 The Governor New South Wales 50 ... July 9 (Rec. Sept. 8)	States that it is intended to submit the necessary Bill to the State legislature during the present Session if possible ... 258
409 The Governor Queensland 23 ... August 5 (Rec. Sept. 22)	Reports that the Acting Premier has advised that a Bill to extend the provisions of Part II of the Administration of Justice Act, 1920, to Queensland will be drafted and introduced when time permits ... 259
410 To the Governor Victoria 61 ... November 18	Transmits copies of an Order in Council extending Part II of the Administration of Justice Act, 1920, to Victoria, and remarks that reciprocity between Victoria and the Irish Free State is not established 259

(E) IMPERIAL CO-OPERATION WITH REFERENCE TO PATENTS, DESIGNS AND TRADE MARKS.**1924**

411 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 78... February 27	Transmits copies of an extract from the Report of the Proceedings of the Imperial Economic Conference containing the discussion and the Resolution passed on the subject of Patents ... 260
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Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
(F) ECONOMIC DEFENCE.	
1924	
412 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 195 ... April 28.	Transmits copy of Resolution adopted by the Imperial Economic Conference on the subject of flag discrimination, and states that His Majesty's Government endorse the Resolution ... 261

(G) CUSTOMS FORMALITIES.**(i) Valuation of Goods for Customs purposes.****(ii) International Conference on Customs Formalities.**

1924	
413 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 120, Southern Rhodesia 92 ... March 13	Transmits copy of an extract from the Proceedings of the Imperial Economic Conference containing resolutions on the subject of Certificates of Valuation for Customs purposes, together with a memorandum and suggested forms of Certificates, and enquires whether (to Canada) Ministers are prepared to adopt the proposed uniform Certificate of value and origin 263
414 The Governor-General New Zealand, Telegram October 2 (Rec. Oct. 2)	States that it has been found necessary to modify conditions under which tariff-preference is granted to British goods, and notifies the amendments necessary in the certificate of value and origin as from 1st April, 1925 ... 263
415 To the Governors-General and Governors Canada 431, Commonwealth of Australia 367, Union of South Africa 305, Irish Free State 580, Newfoundland 149, Southern Rhodesia 425 October 8	Transmits copy of No. 414 ... 264
416 The Governor-General Commonwealth of Australia, Telegram ... October 25 (Rec. Oct. 25)	Reports alterations in the conditions as regards proportion of British labour and material in manufactured goods necessary to qualify for preference ... 264
417 To the Governors-General and Governors Canada 412, New Zealand 106, Union of South Africa 328, Irish Free State 622, Newfoundland 164, Southern Rhodesia 457 ... November 1	Transmits copy of No. 416 ... 265
418 To the Governors-General Commonwealth of Australia, New Zealand, Telegram ... December 2	Transmits message for Prime Minister suggesting that His Majesty's Trade Commissioner should be instructed to discuss with a Dominion representative a number of questions regarding the new regulations governing preference on British goods ... 265
419 The Governor-General Commonwealth of Australia, Telegram Confidential ... December 5 (Rec. Dec. 5)	Transmits message from Prime Minister welcoming suggestion in No. 418, and stating that instructions have been given to Trade and Customs Department to afford Trade Commissioner every assistance ... 265
420 The Governor-General New Zealand, Telegram, Confidential ... December 18 (Rec. Dec. 13)	States that Comptroller of Customs will discuss the question of preference on British goods with His Majesty's Trade Commissioner at Wellington ... 266

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
421 To the Governor-General New Zealand, Telegram December 15	Presumes there is no objection to supplementary discussion with High Commissioner in London if occasion should arise for elucidating any point of detail ... 266
422 To the Governor-General Commonwealth of Australia, Telegram, Confidential ... December 15	Transmits message for Prime Minister stating that it is presumed he would have no objection to supplementary discussion with High Commissioner in London if occasion arose for elucidating any point of detail ... 266
423 The Governor-General Commonwealth of Australia, Telegram December 20 (Rec. Dec. 20)	States that Prime Minister offers no objection to supplementary discussion with High Commissioner ... 267
424 The Governor-General New Zealand, Telegram, Confidential ... December 24 (Rec. Dec. 24)	States that there is no objection to proposed supplementary discussion. States also that Canadian Prime Minister has suggested that Canada and New Zealand should adopt fifty per cent. British material and labour as basis of preference, but that before coming to a decision it will be necessary to consult Prime Minister of the Commonwealth ... 267

(H) EMPIRE CURRENCY AND EXCHANGE.**1924**

425 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 180, Southern Rhodesia 135 ... April 15	Transmits copies of an extract from the Report of the Proceedings of the Imperial Economic Conference relating to Empire Currency and Exchange ... 268
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(J) CO-OPERATION FOR TECHNICAL RESEARCH AND INFORMATION.**(i.) Imperial Institute and Imperial Mineral Resources Bureau.****1923**

426 To the Governor-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, Dominions 46 February 10	Transmits copy of a Report of the Proceedings of a meeting called to discuss the financial position of the Institute together with a copy of a Press notice showing the constitution and terms of reference of a Committee appointed to report on the functions of the Institute ... 270
427 The Governor-General Canada 415 ... August 9 (Rec. Aug. 18)	Enquires whether the Committee has yet made its report. Draws attention to the vote in Canadian Supply Bill of a contribution for 1924, and states that before any payment can be made it will be necessary for some assurance to be given that the provisions of the vote have been complied with ... 271
428 To the Governor-General Canada 431 ... September 12	States that it is proposed to bring the Report of the Committee with certain proposals before the Imperial Economic Conference. Encloses a list of contributions already made or promised for 1923-24, and states that it is proposed to deal with the situation in the light of the decision which may be come to at the Conference ... 271

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
429 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 450, Southern Rhodesia 94 November 29	Transmits copies of Cmd. 1907 containing the Report of the Imperial Institute Committee of Inquiry, 1923, together with Resolutions of the Imperial Economic Conference on the subject ... 272
430 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Confidential December 14	Indicates the principal provisions of the Draft Bill prepared to give effect to the recommendations of Imperial Economic Conference regarding the future of Imperial Institute and Imperial Mineral Resources Bureau ... 272
431 To the Governors-General and Governor Canada, Union of South Africa, Newfoundland, Telegram ... December 14	Embodies a Resolution of the Executive Council of the Imperial Institute suggesting the retention of the Exhibition Galleries, and asks for views of Prime Minister, and whether he would be prepared to contribute the additional amount involved ... 274
432 The Duke of Devonshire to the Right Hon. S. M. Bruce, (Prime Minister, Commonwealth of Australia) ... December 15	Ditto ... 274
433 The Duke of Devonshire to the Right Hon. W. F. Massey (Prime Minister, New Zealand) December 15	Ditto ... 275
434 The Right Hon. W. F. Massey to the Duke of Devonshire ... December 17	States that he is prepared to recommend an increased contribution in the event of the retention of the Galleries ... 276
435 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 472, Confidential, Irish Free State, Confidential ... December 18	Transmits Draft of Bill referred to in No. 430 ... 277
436 The Acting Governor-General Union of South Africa, Telegram ... December 18 (Rec. Dec. 18)	States that Union Government do not wish Exhibition Galleries to be retained and desire to abide by the contribution of £1,200 agreed to ... 277
437 To the Governor-General Irish Free State Confidential ... December 28	Transmits copy of No. 431, and asks for Ministers' views and whether they are prepared to advise the additional contribution required ... 277
1924	
438 The Right Hon. S. M. Bruce to the Duke of Devonshire ... January 1	In reply to No. 432, states the position as regards Australia, and that in the circumstances it appears to him that no course can be followed other than to adhere to the decision of the Economic Conference 278
439 The Governor Newfoundland, Telegram January 7 (Rec. Jan. 7)	Agrees to raise contribution from £200 to £304 for five years ... 278

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
440 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 8 ... January 9	States that His Majesty's Government have accepted the recommendations of the Imperial Economic Conference with regard to the re-organization of the Imperial Institute and the Imperial Mineral Resources Bureau, and enquires whether the Dominion Government also is prepared to accept the recommendation and to pay the contribution indicated ... 279
441 To the Governor Southern Rhodesia 11 January 9	Recapitulates the more important proposals for the re-organization of the Imperial Institute and the Imperial Mineral Resources Bureau; expresses the hope that Southern Rhodesia will continue to assist in the upkeep and suggests an appropriate proportionate contribution of £250 per annum for five years ... 280
442 The Governor-General Canada, Telegram January 16 (Rec. Jan. 17)	Agrees to increase contribution from £2,000 to £3,040 281
443 The Governor Newfoundland 3 ... January 7 (Rec. Jan. 25)	Confirms No. 439 ... 282
444 To the Governors-General and Governor Canada, Union of South Africa, Newfoundland, Telegram ... February 22	States that in view of Lord Cowdray's offer towards upkeep of the Galleries, and of representations that have been made, His Majesty's Government are reconsidering the question ... 282
445 To the Governors-General Commonwealth of Australia, New Zealand, Telegram ... February 22	Inform him of the discussion with his Prime Minister while in this country of the question of the retention of the Exhibition Galleries, and notifies him of Lord Cowdray's offer, and in view of which representation His Majesty's Government are reconsidering the matter ... 282
446 To the Governor-General Irish Free State, Confidential ... February 26	Transmits copy of No. 444, and requests views of Ministers as to the retention of the Galleries ... 283
447 The Governor-General Union of South Africa, Confidential (3) February 8 (Rec. Feb. 26)	Transmits copy of Minute from Ministers stating that sum of £1,200 has been included in Estimates for 1924-25 in respect of Union contribution to the Imperial Institute and the Imperial Mineral Resources Bureau ... 283
448 The Governor Southern Rhodesia 43 February 22 (Rec. Mar. 17)	Agrees to proposal made in No. 441 ... 284
449 The Governor-General Commonwealth of Australia, Telegram ... March 17 (Rec. Mar. 17)	States that Australia is prepared to find additional amount for retention of Galleries if British Government also agrees ... 284
450 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... March 31	States that it has been decided that provision for and retention of Galleries should be made in draft Bill and discusses the allocation of the sum involved among Governments concerned ... 284
451 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 150, Confidential March 31	Transmits copy of revised draft Bill (to Irish Free State only; and enquires whether Ministers are prepared to recommend to Parliament that an increased contribution be paid for five years in respect of the Exhibition Galleries) ... 285

845
533

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
452 The Governor-General Canada, Telegram ... April 7 (Rec. April 8)	States that following receipt of No. 444, Ministers have reduced amount of Canada contribution to £640 and propose that vote so stand in the Estimates as issued to Parliament ... 285
453 The Governor-General Commonwealth of Australia, Telegram ... May 6 (Rec. May 6)	States that Commonwealth Government agree to provide additional proportional amount for the retention of the Galleries ... 286
454 The Governor-General Union of South Africa, Telegram ... May 9 (Rec. May 9)	States that Ministers are doubtful if retention of Galleries would serve any useful purpose and are in any case unable to increase contribution towards upkeep of Institute beyond amount agreed to at Conference ... 286
455 The Governor-General Irish Free State, Confidential ... May 22 (Rec. May 23)	States that Ministers are not in a position to contribute to the Imperial Institute and the Imperial Mineral Resources Bureau and therefore do not seek any control in either Institution ... 286
456 India Office May 30	States that Government of India accept the Resolution of the Imperial Economic Conference subject to the condition that the Resolution is also accepted by the Dominions, and are prepared to make an annual contribution of £1,200 for a period of five years, but stipulate that no part of their contribution shall be spent on Exhibition Galleries without specific authorization ... 286
457 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 334, Southern Rhodesia 270 ... July 23	Transmits copies of Official Reports of Debates in the House of Lords on the Imperial Institute Bill, together with copies of the Bill as finally passed by the House of Lords ... 287
458 The Governor-General New Zealand, Telegram July 25 (Rec. July 25)	States that New Zealand Government will contribute annual sums suggested in Nos. 440 and 450 ... 287
459 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 495, Southern Rhodesia 437 ... October 21	States that the exigencies of Parliamentary business did not permit the passage of the Bill during the summer session, and that it is hoped to re-introduce the Bill in the next Parliament at the first opportunity 288
460 To the Governors-General and Governor Canada 560, Commonwealth of Australia 448, New Zealand 243, Union of South Africa 390, Newfoundland 184, December 29	Suggests that in order to continue the work of the Imperial Institute pending the passage of the Bill, Ministers should agree to authorize payment to the Institute for 1924-25 of the amount recommended by the Conference (not to Union), and, in addition, a further contribution towards the retention of the Exhibition Galleries ... 288

(ii.) Co-operation for Technical Research and Information.

1924	
461 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 171, Southern Rhodesia 129 ... April 11	Transmits copy of an extract from the Proceedings of the Imperial Economic Conference containing a Resolution adopted on the subject of co-ordination of research and offers observations as to the mode of co-operation in giving effect to it ... 289
462 The Governor-General Union of South Africa 453 ... September 2 (Rec. Sept. 22)	Transmits copies of Ministers' Minutes stating arrangements in existence for research work in the Union, and that the suggestions in No. 461 appear to be eminently suitable and have been communicated to the departments concerned ... 290
463 The Governor-General New Zealand 173 ... August 26 (Rec. Oct. 2)	States that New Zealand Government already facilitates and assists by monetary grants, scientific and industrial research, and that Ministers will give earnest consideration to the proposed setting up of a special organization dealing with such research ... 291
(K). IMMUNITY OF STATE ENTERPRISES.	
1924	
464 House of Commons April 29	Extract from a speech by Mr. Snowden regarding the proposal relating to the immunity from taxation of State enterprises ... 293
465 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 373, Confidential August 7	Transmits copies of an extract from the Proceedings of the Imperial Economic Conference, 1923, relating to (a) the immunity from taxation of State enterprises, and (b) the immunity from liability of State-owned ships, and enquires whether Ministers accept the recommendations of the Conference ... 293
466 To the Governors New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, Southern Rhodesia, Confidential ... August 7	Transmits copies of an extract from the Proceedings of the Imperial Economic Conference, 1923, and invites attention to the Resolution relating to the immunity from taxation of State enterprises. Enquires whether Governments accept this Resolution and are prepared to take necessary legislative steps to give effect to it 294
467 The Governor Southern Rhodesia 299 September 17 (Rec. Oct. 13)	States in reply to No. 466, that Ministers accept Resolution and are prepared to take necessary legislative steps to give effect to it provided that other parts of the Empire agree to take similar action ... 295
468 The Governor-General Irish Free State, Confidential ... October 20 (Rec. Oct. 21)	In reply to No. 465, states reasons why Ministers do not propose to come to any decision on the subject for the time being ... 295
469 The Governor-General Union of South Africa, Confidential ... October 15 (Rec. Nov. 4)	Transmits copy of Ministers' Minute stating with reference to No. 465, that they consider the Resolutions of the Conference should be accepted and that most of the proposals relative to the immunity from liability of State-owned ships have been included in the draft Merchant Shipping Bill ... 296
470 The Governor-General New Zealand, Confidential ... September 30 (Rec. Nov. 13)	States with reference to No. 465 that New Zealand Government accepts the Resolution ... 296

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
471 To the Governors-General and Governor Canada, Commonwealth of Australia, Newfoundland, Telegram, Confidential ... December 12	Requests early reply to No. 465 and indicates attitude of other Governments ... 297
472 The Governor-General Commonwealth of Australia, Telegram, Confidential ... December 16 (Rec. Dec. 16)	States that Commonwealth Government accepts the recommendations of the Imperial Economic Conference in favour of adoption of proposed draft convention relating to immunity of State-owned ships 297
473 The Governor-General Commonwealth of Australia, Telegram, Confidential ... December 17 (Rec. Dec. 17)	States that Ministers consider that there is at present no necessity so far as Commonwealth is concerned to legislate in the direction recommended by the Imperial Economic Conference in regard to immunity from taxation of State enterprises ... 297

5. IMPERIAL POLICY WITH REGARD TO THE IMPORT AND EXPORT OF LIVESTOCK.

1923	
474 Ministry of Agriculture and Fisheries ... November —	Memorandum by the Minister of Agriculture on the proposed administration of the Importation of Animals Act, 1922, in so far as it affects Canadian store cattle 298
475 Mr. Mackenzie King (Prime Minister) to Sir Robert Sanders (Ministry of Agriculture and Fisheries) ... November 8	Expresses appreciation of proposed changes in the administration of the Act as set forth in No. 474 ... 299
1924	
476 Mr. Pacaud (Secretary to High Commissioner) to Mr. Noel Buxton (Ministry of Agriculture and Fisheries) ... March 18	Refers to statements made in Parliament by the Minister of Agriculture, and would be glad to learn that the agreement reached in 1922 relative to the importation of non-pedigreed breeding cattle will be carried out by issuing the order authorizing the admission of Canadian cattle other than store cattle ... 299
477 Mr. Noel Buxton (Ministry of Agriculture and Fisheries) to Mr. Pacaud (Secretary to the High Commissioner) ... April 7	Explains his remarks referred to in No. 476, and states that he is preparing a Bill to give effect to the recommendations of the Conference as to the admission of pedigree stock, but that at present it would be impossible to obtain the consent of Parliament to the admission of breeding stock other than pedigree stock ... 300
478 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 436, Confidential, Southern Rhodesia, Confidential (2) ... September 3	Transmits for observations copy of a draft Bill prepared in order to give effect to recommendations of the Imperial Economic Conference regarding the promotion of inter-Imperial trade in pedigree stock, together with an explanatory memorandum ... 301
479 The Governor-General Canada, Telegram, Confidential ... September 22 (Rec. Sept. 22)	States that it is reported by Department of Agriculture that Bill appears to be fairly satisfactory, but Department would not be prepared at this time to recommend the admission of cattle from Great Britain without quarantine ... 303
480 The Governor-General Union of South Africa, Telegram ... September 29 (Rec. Sept. 30)	States that Ministers have no comments to offer on the Bill as it appears to meet the requirements of the Union ... 303

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
481 The Governor-General Union of South Africa, Telegram ... October 2 (Rec. Oct. 3)	Urges the strong desirability of permitting the importation of pedigree Friesland cattle from the Union into Great Britain ... 304
482 The Governor-General Commonwealth of Australia, Telegram ... October 23 (Rec. Oct. 23)	States that Commonwealth Government has no objection or observations to offer respecting the draft Bill ... 304
483 The Governor-General New Zealand, Telegram ... November 1 (Rec. Nov. 1)	States that terms of draft Bill are satisfactory to New Zealand Government ... 304
484 The Governor Southern Rhodesia, Telegram ... November 7 (Rec. Nov. 9)	States that Ministers have no amendments to suggest to the Bill ... 305
485 The Governor-General Irish Free State, Confidential ... November 17 (Rec. Nov. 18)	States that Ministers have no specific observations to offer with regard to the draft Bill, but that if the importation of Overseas stock were to assume any considerable proportions, the danger of disease or plague would be increased and it would be necessary to regulate more strictly than at present the importation of animals from Great Britain ... 305
486 To the Governor-General Union of South Africa, Telegram (Extract) ... December 2	States that the Minister of Agriculture is advised that under existing legislation the issue of a permit for importation of a consignment of Friesland cattle would not be justified ... 305

6. IMPERIAL POLICY WITH REGARD TO FORESTRY.

1924	
487 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Victoria, New South Wales, Queensland, South Australia, Western Australia, Tasmania, Dominions 112, Southern Rhodesia 89 ... March 12	Transmits copies of extracts from the Report of the Proceedings of the Imperial Economic Conference relating to Forestry, and states that a further despatch will be sent as regards the Resolutions of the Empire Forestry Conference at Ottawa, 1923 ... 306
488 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, Dominions 189, Southern Rhodesia 143 ... April 22	Transmits copies of a preliminary notice regarding the Forestry Institute now being established at Oxford, and trusts that Governments will find it possible to support the scheme by deputing officers to attend the Institute ... 306
489 The Governor-General Irish Free State 211 ... May 31 (Rec. June 2)	Conveys views of Ministers on the opportunities afforded by the proposed Institute to Forestry students or officers from the Free State ... 307

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
490 The Governor-General New Zealand 115 ... June 24 (Rec. July 25)	States that Ministers recognize the value of the proposed Institute and hope that at a later date officers of the New Zealand Forest Service may be able to attend the lectures ... 308
491 The Governor Southern Rhodesia 210 ... July 5 (Rec. July 28)	States that with a Forest Service in its infancy it is not possible to guarantee any definite support to the Institute, but that every facility will be given to any forestry officer wishing to take a course of study ... 308
492 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, Dominions 362, Southern Rhodesia 301 ... August 2	States that the Imperial Forestry Institute, Oxford, will commence work in October next, and forwards copies of the syllabus of courses of study for the year, October, 1924, to September, 1925 ... 308
493 The Governor Victoria 27 ... July 1 (Rec. Aug. 11)	States, in reply to No. 488, that whilst Ministers welcome the establishment of a Forestry Training Institution they find it impracticable at present to depute any officers to attend the Institute ... 309
494 The Acting Governor Tasmania 25 ... June 25 Rec. Aug. 11)	Regrets that Tasmania will not be able to send a representative to the Conference on Forestry during the years 1924-25, but hopes to do so later ... 309

7. WORKMEN'S COMPENSATION.

1924

495 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Victoria, New South Wales, Queensland, South Australia, Western Australia, Tasmania, Dominions 155, Southern Rhodesia 114 ... April 2	Invites attention to the Resolutions of the Imperial Economic Conference on the subject of Workmen's Compensation, and states the position so far as His Majesty's Government are concerned ... 311
496 To the Governor-General Canada 145 ... April 2	Remarks that the practice in certain of the Canadian Provinces in regard to the position of non-residents and seamen in respect of Workmen's Compensation, is not altogether in accord with the principles set out in Resolutions I and II of the Conference on the subject and hopes that these principles may be accepted by the Canadian Provinces ... 312

8. IMPERIAL ECONOMIC COMMITTEE.

1924

497 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram, Confidential February 20	States that His Majesty's Government, after careful consideration, cannot support the recommendation of the Imperial Economic Conference in favour of the establishment of a standing Economic Committee ... 312
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Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
498 To the Governor-General Irish Free State, Confidential February 21	Transmits copy of No. 497 ... 313
499 The Governor-General Commonwealth of Australia, Telegram March 7 (Rec. Mar. 7)	Transmits message from Prime Minister expressing surprise at the announcement in the House of Commons that His Majesty's Government was against the appointment of an Economic Committee in view of promise that all recommendations of the Economic Conference would be submitted to a non-party vote in the House of Commons ... 313
500 To the Governor-General Commonwealth of Australia, Telegram March 10	Transmits message for Prime Minister in reply to No. 499 ... 313
501 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Dominions 111 ... March 11	Transmits copies of question asked by Mr. Chapple in the House of Commons and of the reply given as to the attitude of His Majesty's Government to the proposed Economic Committee ... 314
502 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram ... June 19	Proposes that a Committee should be set up with one definite reference, so framed as to exclude tariff issue, and asks if various Governments would be willing to participate on those lines. Suggests constitution of Committee and that it should deal with question of marketing Oversea produce in this country 315
503 To the Governor-General Irish Free State 382 ... June 20	Transmits copy of No. 502, and asks for Ministers' views as regards participation of the Irish Free State in the establishment of the Committee ... 315
504 The Governor-General Commonwealth of Australia, Telegram June 25 (Rec. June 25)	Transmits message from Prime Minister welcoming decision, and agreeing in general to the proposals and suggested terms of reference, contained in No. 502. Suggests, however, that the constitution and functioning of the Committee should not be dependent upon acceptance of all Governments ... 316
505 The Governor-General Canada, Telegram ... July 2 (Rec. July 2)	States that Ministers approve proposal in No. 502, and are prepared to appoint representatives, and, if Committee proves successful, to suggest or consider appointment of other <i>ad hoc</i> committees to deal with specific economic questions of joint interest ... 316
506 To the Governors-General and Governor Canada, Confidential (2) New Zealand Confidential, Union of South Africa Confidential (2), Irish Free State Confidential (2), Newfoundland, Confidential (2) ... July 3	Transmits copy of No. 504 ... 317
507 To the Governors-General and Governor Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfoundland, Confidential ... July 10	Transmits copy of No. 505 ... 317
508 Office of the High Commissioner, Irish Free State ... July 30	Enquires whether any definite arrangement has been made with regard to the contribution, if any, payable by the Dominions towards the finances of the proposed Committee ... 318

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
509 The Governor-General Union of South Africa, Telegram ... August 5 (Rec. Aug. 5)	Ministers state that they approve of Committee on lines suggested and have nominated Mr. A. Canham to represent the Union ... 318
510 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Irish Free State, Newfoundland, Confi- dential ... August 13	Transmits copy of No. 509 ... 318
511 To Office of the High Commissioner, Irish Free State ... August 13	States that it does not appear possible to arrive at a decision as to the allocation of the cost of the proposed Committee until replies to No. 502 have been received from all Dominions. Encloses copy of No. 510 ... 319
512 The Governor-General New Zealand, Telegram August 15 (Rec. Aug. 15)	New Zealand Government are willing to participate in the establishment of a Committee and concur in the proposed basis of membership and the terms of reference ... 319
513 The Governor-General Commonwealth of Aus- tralia, Telegram ... August 17 (Rec. Aug. 17)	Transmits message from Prime Minister enquiring when it is contemplated taking action to give effect to proposals outlined and agreed upon in regard to the Committee ... 319
514 To the Governors-General and Governor Canada, Commonwealth of Australia, Union of South Africa, Irish Free State, Newfoundland, Confidential ... August 19	Transmits copy of No. 512 ... 320
515 To the Governor-General Commonwealth of Aus- tralia, Telegram ... August 21	Transmits message for Prime Minister stating in reply to No. 513, that New Zealand and the Union have recently agreed to nominate representatives on the proposed Committee, but replies have not yet been received from the Irish Free State, Newfoundland, and India ... 320
516 To the Governors-General and Governor Canada, Confidential (2), New Zealand, Union of South Africa, Irish Free State, Newfound- land, Confidential ... August 22	Transmits copies of Nos. 513 and 515 ... 321
517 To the Governor Newfoundland, Tele- gram, Confidential September 12	Requests early expression of Government's views as to participation in Committee ... 321
518 The Governor Newfoundland, Telegram September 12 (Rec. Sept. 13)	States that Ministers have no objection to proposals set forth in No. 502, but do not desire at present to appoint representatives ... 322
519 To the Governor-General Irish Free State, Confi- dential ... September 13	Requests Ministers' views as to participation in the proposed Committee ... 322
520 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Irish Free State, Confidential ... September 16	Transmits copy of No. 518 ... 322

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
521 The Governor Newfoundland 92 September 2 (Rec. Sept. 18)	States that Ministers have no objection to make to the proposals in No. 502, but that they do not desire at present to appoint representatives to the proposed Committee ... 323
522 The Governor-General Commonwealth of Aus- tralia, Telegram ... October 1 (Rec. Oct. 1)	Transmits message from Prime Minister stating that Commonwealth Government will be glad to learn whether His Majesty's Government will take early steps to constitute the Committee ... 323
523 To the Governor-General Commonwealth of Aus- tralia, Telegram ... October 2	Hopes shortly to send definite proposals regarding measures necessary for constituting the proposed Committee. Notifies that India will be represented and that Newfoundland has no objection to proposals, but does not desire to appoint representatives at present ... 323
524 To the Governors-General and Governor Canada, New Zealand, Union of South Africa, Irish Free State, New- foundland, Confidential October 6	Transmits copies of Nos. 522 and 523 ... 324
525 The Governor-General Irish Free State, Confi- dential ... October 22 (Rec. Oct. 23)	States that Ministers desire to be represented on the proposed Committee by the High Commissioner, and, when desirable, by a technical member of his staff ... 324
526 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Confidential ... October 28	Transmits copy of No. 525 ... 325
527 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Newfoundland, Telegram, Confidential November 25	States that His Majesty's Government are prepared to take immediate steps to establish Committee; suggests addition to terms of reference, also the appointment of Sir H. Mackinder as Chairman, and states arrange- ments proposed as regards expenses of Committee ... 325
528 To the Governor-General Irish Free State, Confi- dential ... November 26	Transmits copy of No. 527, and requests views of Ministers thereon ... 326
529 The Governor-General Commonwealth of Aus- tralia, Telegram, Confi- dential ... November 26 (Rec. Nov. 26)	Transmits message from Prime Minister expressing concurrence of Commonwealth Government in pro- posals set forth in No. 527 ... 326
530 To the Governors-General and Governor Canada, New Zealand, Union of South Africa, Irish Free State, New- foundland, Confidential November 28	Transmits copy of No. 529 ... 327
531 The Governor Newfoundland, Tele- gram, Confidential ... December 2 (Rec. Dec. 3)	States, with reference to No. 527, that Ministers agree to proposals, but as meat and fruit do not directly concern them it is not proposed to appoint a represent- ative ... 327

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
532 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Union of South Africa, Irish Free State, Confidential ... December 5	Transmits copy of No. 531 ... 327
533 The Governor-General Canada, Telegram December 13 (Rec. Dec. 13)	Conveys views of Ministers on proposals contained in No. 527 ... 328

XIII.

PACIFIC CABLE BOARD—AMENDMENT OF CONSTITUTION.

1924	
534 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Telegram February 2	Embodies proposals put forward by the Board for the amendment of its constitution, and to give them power to construct and work land lines in connexion with their cable. Gives preliminary views of His Majesty's Government on proposals ... 329
535 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Telegram ... February 2	States that the matter was discussed with Mr. Bruce just before he left London and comments put forward by him are under consideration ... 330
536 The Governor-General Canada, Telegram February 13 (Rec. Feb. 13)	States that Ministers consider that matter could be best arranged by direct negotiation and requests that it may be discussed with High Commissioner who has been advised accordingly ... 330
537 To the Governor-General Canada, Telegram February 19	Appreciates convenience of discussing question with High Commissioner to whom copies of telegrams are being sent, and explains that reference to Canadian Government in No. 538, was based on message from the Prime Minister to the High Commissioner ... 330
538 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Telegram February 19	Summarizes Mr. Bruce's comments referred to in No. 535, and views of His Majesty's Government thereon and requests views on suggested modifications of Board's proposals ... 331
539 Colonial Office February 25	Note of conclusions at a meeting between the Secretary of State for the Colonies and the High Commissioners for Canada, Australia and New Zealand ... 332
540 The Governor-General Commonwealth of Aus- tralia, Telegram ... March 12 (Rec. March 12)	Conveys the views of the Commonwealth Government on the points raised in No. 538, and states that Ministers are prepared to acquiesce on receipt of an assurance that the constitution of the Board will be amended as indicated ... 332
541 Colonial Office April 2	Note of conclusions of a meeting between the Secretary of State for the Colonies, the High Commissioner for New Zealand, and Sir Campbell Stuart representing the Government of Canada ... 333
542 To the Governors-General Canada, Commonwealth of Australia, New Zea- land, Telegram, Confi- dential ... October 8	Proposes that Sir W. Mercer should continue to act as Chairman of the Board, until other arrangements can be made after passing of new legislation ... 334

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
543 The Governor-General New Zealand, Telegram, Confidential ... October 21 (Rec. Oct. 21)	Concurs in proposals made in No. 542 ... 334
544 The Governor-General Commonwealth of Aus- tralia, Telegram, Confi- dential ... October 24 (Rec. Oct. 24)	Ditto ... 335
545 The Governor-General Canada, Telegram, Con- fidential ... October 30 (Rec. Oct. 30)	Ditto ... 335

XIV.

RECIPROCAL ARRANGEMENTS FOR PREVENTING INTERFERENCE
WITH WIRELESS BROADCASTING.

1924	
546 The Governor-General Canada 100 ... March 11 (Rec. Mar. 24)	Transmits copy of letter from Department for External Affairs requesting that His Majesty's Government may be asked to forbid the use of the 450 metres wave by British ships within certain distances from the Atlantic and Pacific coasts in order to lessen inter- ference with coast stations, and that this proposal should be placed before other European administra- tions, and stating that Canada would be prepared to issue reciprocal regulations ... 336
547 To the Governor-General Canada 160 ... April 16	Acknowledges No. 546 and states that the matter is receiving the attention of the competent Departments ... 337
548 To the Governor-General Canada 360 ... August 19	States that His Majesty's Government are prepared to arrange reciprocally for the discontinuance of the 450 metres wave within 250 miles of the coast and to make a similar proposal to the United States Govern- ment, and also to European countries, in particular France ... 337
549 The Governor-General Canada 401 ... September 15 (Rec. Sept. 26)	Accepts proposal in No. 548 ... 338
550 To the Governor-General Canada, Confidential (2) October 13	Transmits copy of telegram to His Majesty's Ambassador at Washington informing him of the arrangement with Canada regarding the 450 metres wave and instructing him to ascertain whether the United States Government would be prepared to co-operate in a similar reciprocal arrangement ... 338
551 To the Governor Newfoundland, Confi- dential ... October 13	Transmits copy of correspondence with Canada and of the telegram enclosed in No. 550, relating to the pro- hibition of the use of the 450 metres wave by ships near the coast, and hopes that Ministers will arrange similarly for the discontinuance of this wave length by Newfoundland ships ... 339

CORRESPONDENCE

[1923-1924]

RELATING TO

IMPERIAL CONFERENCE, 1911, IMPERIAL WAR CONFERENCES of 1917 and 1918,

IMPERIAL MEETINGS, 1921, IMPERIAL CONFERENCE, 1923,

AND THE

IMPERIAL ECONOMIC CONFERENCE, 1923.

(Including certain correspondence in 1922 regarding the arrangements for the Imperial Conference and the Imperial Economic Conference, 1923).

I.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF THE IMPERIAL CONFERENCE, 1911.

RESOLUTION VIII.: PROVISION FOR DESERTED WIVES AND CHILDREN.

That, in order to secure justice and protection for wives and children who have been deserted by their legal guardians either in the United Kingdom or any of the Dominions, reciprocal legal provisions should be adopted in the constituent parts of the Empire in the interests of such destitute and deserted persons.

(See pages 2-3 of Dominions No. 83.)

6878

No. 1.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 26.]

(No. 71.)

Sir,

Downing Street, 12th February, 1923.

I HAVE the honour to request that the early consideration of Your Excellency's Ministers may be given to the question of the position occupied by the Irish Free State in regard to the Maintenance Orders (Facilities for Enforcement) Act, 1920, and Part II of the Administration of Justice Act, 1920.

2. In this connexion I enclose copies of letters dated the 19th December and the 6th January addressed to the Law Officer of your Government, to which no reply has yet been received. The legal aspects of the question in regard to the Maintenance Orders Act are fully set out in these communications; the position with respect to Part II of the Administration of Justice Act is essentially the same, so that whatever decision your Ministers may take will doubtless apply with equal force to either Act.

3. I would further observe that, pending the receipt of an expression of your Ministers' wishes, action is being suspended by His Majesty's Government in regard to the issue of Orders in Council under the Maintenance Orders Act in respect of South Australia and the Northern Territory of Australia, and under Part II of the Administration of Justice Act in respect of Newfoundland, and also in respect of various Colonies and Protectorates under these enactments. It will therefore relieve the Governments concerned of embarrassment if a very early reply could be returned to this despatch.

I have, &c.,
DEVONSHIRE.

[61626]

Enclosure 1 in No. 1.

MY DEAR KENNEDY,

Treasury Chambers, 19th December, 1922.

A QUESTION has arisen upon the Maintenance Orders (Facilities for Enforcement) Act, 1920 (10 & 11, Geo. 5 c. 33), which is one of high importance as touching the reciprocal relations of the Irish Free State and the other members of the Commonwealth of Nations, although, having regard to its subject matter, the Act itself is not likely to operate to any great extent in the Free State.

The object of the Act is to facilitate the enforcement in England and Ireland of Maintenance Orders made in other parts of His Majesty's Dominions, and vice versa. Briefly, it provides that a Maintenance Order made by a court in a dominion outside the United Kingdom to which the Act extends may, by the prescribed procedure, be converted into an Order of a corresponding court in England or Ireland, and that His Majesty may by Order in Council extend the Act to any part of His Majesty's Dominions when he is satisfied that reciprocal provisions have been made by the Legislature of that part. A Maintenance Order means an order for the periodical payment of sums of money towards the maintenance of a person's wife or other dependents, and includes in Ireland an order for recovery of the cost of relief under the Irish Poor Law Acts.

The Act was passed as the result of arrangements with the Dominions, and, relying upon it, several of the Dominions passed Acts enacting reciprocal provisions, and thereupon the Act was extended to them by Order in Council, e.g., Queensland, Western Australia, Tasmania, New Zealand and a number of Protectorates.

This was done before the establishment of the Irish Free State, but recently a reciprocal Act, which was passed by the Legislature of the State of South Australia on the 12th of October last, has come to the Colonial Office with a view to the extension of the Imperial Act to that State. In the ordinary course this would have been done by a short Order in Council which, after reciting the material provisions of the Act and that a reciprocal Act by the Legislature of the State of South Australia had been passed, would have extended the Imperial Act to that State. In this form the Order would not, on the face of it, appear to apply to the Free State, but it would have the effect of giving powers to, and imposing duties upon, Free State courts and officers for the enforcement of Maintenance Orders of the South Australia courts and for making orders in the Free State courts which would be enforceable in South Australia under the South Australia Act.

The question is whether, now that the Free State has been established, such Orders in Council can continue to be made as before; and the Secretary of State would desire to know whether the Free State Government would see any objection to the Orders being made as above, and if you could ascertain this and let me know that the Government assent, an official communication would follow. If, on the other hand, the Free State Government consider that an Order in Council cannot be made so far as respects the Free State, then some alternative procedure must be devised, because there is now an obligation to extend the Imperial Act to the State of South Australia, that State having taken the necessary step to secure the reciprocity guaranteed by the Imperial Act.

Before the Free State was established the British Government would have honoured the obligation on the part of England and Ireland; and if, owing to the establishment of the Free State, the British Government's power and responsibility to do so is confined to England and so much of Ireland as is not within the Free State jurisdiction, then the obligation as regards the Free State has passed to the Free State Government which, to this extent, would stand in the place in which the

United Kingdom Government formerly stood. If this position is accepted, there is then the question as to the best procedure to be adopted. The Order in Council here would discharge the British obligation as regards England and Northern Ireland, and I would suggest that the obligation on the part of the Free State Government might be discharged by a corresponding Order of that Government as regards the Free State.

Under the powers of adaptation given by Clause 12 of the Free State (Adaptation of British Enactments) Bill your Executive Council is given general powers to adapt existing British enactments, and presumably you will want to adopt provisions in such Acts authorizing things to be done by Order in Council; and I would submit to your better judgment the desirability of some adaptation on the following lines which would cover the Maintenance Order Act and others:—

"Anything which under any existing enactment could, prior to the [thirty-first day of March, 1922,] have been done in the case of Ireland by an Order of the King in Council or of the Lord Lieutenant in Council may, in the case of the Irish Free State, be done as respects the Irish Free State by an Order made by the Governor-General by and with the advice of the Executive Council of the Irish Free State, and any Order so made may be referred to as an Order of the Governor-General in Council, and accordingly, in the application of any such enactment to the Irish Free State, references to Orders of the Governor-General in Council shall be substituted for references, in whatever terms expressed, to Orders of His Majesty in Council or of the Lord Lieutenant in Council."

As a result of such adaptation, the Executive Council could make the necessary Order in Council under the Maintenance Orders Act. You will notice that the question as to the application of the Maintenance Orders Act could not be settled by the Free State adopting that Act under Section 3 of the Free State Constitution Act, because the effect of such adoption is to put the Free State in the position of a self-governing Dominion under the adopted Act; whereas what is wanted in the case of the Maintenance Orders Act is that the Free State (unless she agrees to an Order in Council being made here as regards both England and Ireland) should herself assume the same position under the Act in relation to South Australia as England assumes.

I should be grateful if you could let me have your views on the above as soon as possible, as the extension of the benefit of the Act to South Australia is urgent.

Yours, &c.,
F. GREER.

Hugh Kennedy, Esq., K.C.,

Irish Free State Government, Law Officer's Department,
Upper Merrion Street, Dublin.

[466]

Enclosure 2 in No. 1.

MY DEAR KENNEDY,

Treasury Chambers, 6th January, 1923.

SINCE I wrote to you on the 19th ultimo with reference to the question of applying the Maintenance Orders (Facilities for Enforcement) Act, 1920, to Southern Australia, an Ordinance of the Northern Territory of Australia passed in September last, has come to the Colonial Office, with a view to the extension of the Act to that Territory, and in considering the question will you please take this extension into account also.

I see that Section 10 of the Free State (Adaptation of Enactments) Act, 1922, contains a provision similar to that suggested in my letter, which would enable the Governor-General of the Free State, upon the advice of the Executive Council, to make an Order in Council applying the Act in question so far as the Free State is concerned, to Southern Australia and the Northern Territory, and the net point is, therefore, whether such an Order would be made followed by an Order by the Secretary of State as regards Great Britain and Northern Ireland, or whether one Order is to be made by the Secretary of State for the whole of Great Britain and Ireland.

As the extension of the Act to the Dominions is rather urgent, I should be grateful if you could let me have a reply at your early convenience.

Yours, &c.,
F. GREER.

Hugh Kennedy, Esq., K.C.

13563

No. 2.

MR. N. G. LOUGHNANE (DUBLIN) to SIR MARK STURGIS (COLONIAL OFFICE).

(Received 11.16 a.m., 15th March, 1923.)

TELEGRAM.

REFERENCE your wire of yesterday regarding Colonial Office despatch 71 of 12th February.* I have received following statement from Free State Government:

Begins: The Executive Council will advise Governor-General to make an order under Maintenance Facilities Act and the Administration of Justice Act giving the benefit of these Acts to Southern Australia and the Northern Territory on being satisfied their Acts extend to this country. No copies of their Acts have been supplied. It may also be mentioned that no copy of the proposed London Order in Council has been supplied. We request that it should not extend here. An official despatch will follow immediately. *Ends.*

13563

No. 3.

MR. N. G. LOUGHNANE (DUBLIN) to SIR MARK STURGIS (COLONIAL OFFICE).

(Received 5.45 p.m., 15th March, 1923.)

TELEGRAM.

REFERENCE my wire of this morning† and yours of yesterday *re* Colonial Office despatch 71 of 12th February.* Mr. Kennedy now states that on reconsideration he is of opinion that an adopting Act by Free State Parliament will be necessary under S.3 of Irish Free State Constitution Act, 1922, and he would be glad if a copy of the South Australia Reciprocal Act and of the Northern Territory Ordinance could be sent to him for reference. If possible he would like to have them sent by to-night's courier.

13563

No. 4.

SIR FRANCIS GREER (OFFICE OF PARLIAMENTARY COUNSEL) to
MR. H. KENNEDY (ATTORNEY-GENERAL, IRISH FREE STATE).

MY DEAR KENNEDY, Treasury Chambers, 16th March, 1923.

THE Colonial Office have sent me over a wire of yesterday† saying that on reconsideration you think that legislation by the Free State Parliament adopting the Maintenance Orders (Facilities for Enforcement) Act, 1920, would be necessary as a preliminary to action in the Free State extending reciprocity to Southern Australia, etc., on the basis of their Reciprocal Act.

We considered that such legislation would be unnecessary for the purpose (see my letter of the 18th December) and, as you may perhaps have been influenced by something that I said with regard to the Colonial Solicitors Act in my letter of the 10th instant, I would like to make the matter clear.

Briefly, our view was that in the case of a United Kingdom Act providing for reciprocity as between the United Kingdom on the one hand and any Dominions on the other hand to which it may be applied by Order in Council, the future position is that as regards Great Britain and Northern Ireland an Order in Council can be made here applying the Act to a particular Dominion and thus establishing reciprocity between Great Britain and Northern Ireland on the one hand and the Dominion on the other hand; and that as regards the Free State in the same way an Order in the Executive Council can be made by virtue of section 10 of your Adaptation of Enactments Act applying the Act to a particular Dominion and thus establishing reciprocity as between the Dominion and the Free State. That would be the general rule, but there might be exceptional circumstances in the case of a particular Act like the Colonial Solicitors Act, 1920. Following the general rule the Free State could, by Order in the Executive Council, apply that Act to any

* No. 1.

† No. 2.

‡ No. 3.

particular possession which, by its legislation, had made provision for the admission of Free State solicitors to the profession in the possession, and thus establish reciprocity between that Dominion and the Free State. In the case of the Colonial Solicitors Act, however, the Free State would probably consider that reciprocity with Great Britain and Northern Ireland was more to its advantage than reciprocity with Dominions, and in that event it would as a preliminary place itself *quoad* Great Britain and Northern Ireland in the position of a Dominion by providing under S.3 of the Constitution Act that the Colonial Solicitors Act, 1920, might be applied to the Free State in the same manner as it may be applied to a self-governing Dominion. The same consideration would probably affect Part 2 of the Administration of Justice Act, 1920, which provides for reciprocal enforcement of judgments as between the United Kingdom on the one hand and the Dominions on the other hand. Really the question is whether a particular Act is to operate between the Free State and the Dominions or between the Free State and Great Britain. In the former case an order in the Executive Council would be all that would be necessary; in the latter case legislative adoption by the Free State Parliament would be required. Primarily that is the question for the Free State to decide.

The Maintenance Orders (Facilities for Enforcement) Act would come under the general rule if the course originally suggested in my letter of the 18th December last is to be followed, viz., that the Free State should give recognition to the Dominion Reciprocal Act by means of an Order in the Executive Council establishing reciprocity in the Free State. If, on the other hand, the Free State Parliament were to provide that the Maintenance Orders (Facilities for Enforcement) Act might be applied to the Free State as it may be applied to a Dominion, although this would lay the foundation for reciprocity as between the Free State and Great Britain under the Act, it would prevent reciprocity being established under the Act between the Free State and other Dominions; reciprocity with them could then only be established by substantive reciprocal legislation on the part of the Free State.

The General Order in Council under the Consequential Provisions Act has to be made on the 27th instant, and as the scheduling or non-scheduling of the Maintenance Orders Act will depend upon what you decide, will you let us know as soon as possible what the decision is.

Yours sincerely,

F. M. GREER.

13563

No. 5.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 26.]

(No. 142.)

SIR,

Downing Street, 16th March, 1923.

I HAVE the honour to refer to my despatch No. 71 of the 12th February* and to the semi-official correspondence† which has subsequently passed between my Advisers and the Attorney-General of the Free State Government regarding the position of the Irish Free State under the Maintenance Orders (Facilities for Enforcement) Act, 1920, and Part II of the Administration of Justice Act, 1920.

2. I am causing to be addressed to Your Excellency under separate cover a complete set of the existing Dominion and Colonial Acts and Ordinances in connexion with each of the two Imperial Acts; together with copies of all Orders in Council which have hitherto been made extending the provisions of the Imperial Acts to those Dominions and Colonies which have passed reciprocal legislation.

3. From these documents two conclusions will be apparent to your Ministers:

(a) That on the date of the establishment of the Irish Free State reciprocal arrangements had been made, in respect of each Imperial Act, as between Ireland and a very large number of Dominions and Colonies; and

* No. 1.

† See enclosures in No. 1, and 2, 3 and 4.

(b) that since the 6th December, 1922, action has been suspended by His Majesty's Government in extending by Order in Council the provisions of the Acts to the following Dominions and Colonies:—

Maintenance Order Act.

South Australia,
Northern Territory of Australia,
Barbados,
British Guiana,
Sierra Leone,
Kenya.

Administration of Justice Act—Part II.

Newfoundland,
New Zealand,
Fiji,
Federated Malay States,
Johore,
Southern Rhodesia,
Falkland Islands,
Colony of Gambia.

4.—This postponement of action occasioned by the necessity for ascertaining your Ministers' wishes in regard to the position of the Irish Free State has, as may readily be imagined, caused considerable inconvenience to the Oversea Governments enumerated above, and no small hardship to those individuals who are desirous of obtaining redress under the Acts. It is, therefore, not without strong reason that His Majesty's Government feel constrained to press for a very early intimation of your Ministers' views and intentions in the matter, in order that they may proceed without further delay to the consequential action to which they are committed by the passing of reciprocal legislation by the Oversea Governments; and, further, in order that they may advise those Dominion and Colonial Governments, in respect of whose reciprocal legislation Orders in Council were made previously to the 6th December, 1922, whether any change is necessitated in the application of the Acts to the Irish Free State.

I have, &c.,
DEVONSHIRE.

20025

No. 6.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 20.]

(No. 196.)

MY LORD,

Downing Street, 14th May, 1923.

WITH reference to Your Excellency's despatch No. 217 of the 23rd of May, 1922,* and to the Official Secretary's note of the 25th of October, 1922,† I have the honour to transmit to you, for the information of your Ministers, one sealed and six plain copies of an Order of His Majesty in Council† dated the 16th of April, applying the provisions of the Maintenance Orders (Facilities for Enforcement) Act, 1920, to the Northern Territory of Australia.

2. This Order in Council has been issued consequent upon the passing of Ordinance No. 11 of 1922 of the Northern Territory of Australia, but I shall be glad if you would invite the attention of your Ministers to the fact that the Ordinance refers throughout to the United Kingdom, whereas the Imperial Act applies to England and Ireland only. It will also be observed that Section 2 of the Order excludes the Irish Free State from the operation of the Imperial Act.

3. Since Scotland lies outside the scheme of the Imperial Act, it follows that it will not be possible for any provisional order made under Section 5 of the Northern Territory Ordinance against a person resident in Scotland to be enforced in that country. The position with regard to the Irish Free State is now under the consideration of the Free State Government.

* Not printed: it stated that Ordinances would be passed making the necessary reciprocal provision in respect of the Northern Territory, Papua and Norfolk Island. † Not reprinted.

4. I enclose copies of Provisional Rules† made by the Lord Chancellor under Section 7 of the Imperial Act, together with copies of a circular letter† issued by the Home Office to all Clerks to Justices in England.

5. I should be glad if you would invite the attention of your Ministers to paragraph 3 of the circular letter on the subject of Provisional Orders made in this country against defendants who are resident overseas. It would be convenient if His Majesty's Government could be informed as soon as possible as to the requirements of the Courts in the Northern Territory in connexion with such orders sent to them for confirmation, more particularly with regard to the documentary evidence which should accompany them.

6. It will also be observed, from paragraph 6 of the circular Home Office letter, that it is hoped that monies paid by a defendant overseas in pursuance of an Order will generally be forwarded to the Clerk of the Court by which the order was made, for payment to the complainant. In this connexion I have to draw attention to Rule 6 of the Provisional Rules as to payment in the converse case.

7. The Provisional Rules made by the Lord Chancellor relate only to Courts of Summary Jurisdiction, but a "Direction,"† copies of which are enclosed, has also been issued by the President of the Probate, Divorce and Admiralty Division of the High Court, under Section 1 of the Act, regarding the registration in that Division of Maintenance Orders made by a Court of Superior Jurisdiction.

8. I shall be glad to learn whether Ordinances on the subject have yet been passed in respect of Papua and Norfolk Island.

I have, &c.,
DEVONSHIRE.

20025

No. 7.

SOUTH AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR.

[Answered by No. 24.]

(No. 36.)

SIR,

Downing Street, 14th May, 1923.

WITH further reference to Sir G. Murray's despatch No. 36 of the 19th of October,* I have the honour to transmit to you, for the information of your Ministers, one sealed and six plain copies of an Order of His Majesty in Council dated the 16th of April, applying the provisions of the Maintenance Orders (Facilities for Enforcement) Act, 1920, to the State of South Australia.

2. It will be observed that Section 2 of the Order excludes the Irish Free State from the operation of the Act. The position with regard to the Irish Free State is now receiving the consideration of the Free State Government.

3. I enclose copies of Provisional Rules† made by the Lord Chancellor under Section 7 of the Act, together with copies of a circular letter† issued by the Home Office to all Clerks to Justices in England.

4. I should be glad if you would invite the attention of your Ministers to paragraph 3 of the circular letter on the subject of Provisional Orders made in this country against defendants who are resident overseas. It would be convenient if His Majesty's Government could be informed as soon as possible as to the requirements of the Courts in South Australia in connexion with such orders sent to them for confirmation, more particularly with regard to the documentary evidence which should accompany them.

5. It will also be observed, from paragraph 6 of the Home Office circular letter, that it is hoped that monies paid by a defendant overseas in pursuance of an Order will generally be forwarded to the Clerk of the Court by which the order was made, for payment to the complainant. In this connexion, I have to draw attention to Rule 6 of the Provisional Rules as to payment in the converse case.

6. The Provisional Rules made by the Lord Chancellor relate only to Courts of Summary Jurisdiction, but a "Direction,"† copies of which are enclosed, has also been issued by the President of the Probate, Divorce and Admiralty Division of the High Court, under Section 1 of the Act, regarding the registration in that Division of Maintenance Orders made by a Court of Superior Jurisdiction.

I have, &c.,
DEVONSHIRE.

* Not printed: it forwarded copies of the South Australia Maintenance Orders (Facilities for Enforcement) Act, 1922, No. 1504. † Not reprinted.

33018

No. 8.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd July, 1923.)

[Answered by No. 11.]

(No. 306.)

MY LORD DUKE, Governor-General's Office, Cape Town, 15th June, 1923.

WITH reference to my despatch No. 265 of the 25th May,* I have the honour to transmit to Your Grace copies of Minutes from my Ministers regarding the application of the Maintenance Orders Act, 1923, of the Union Parliament to the United Kingdom and parts of the Empire to which the Maintenance Orders (Facilities for Enforcement) Act, 1920, of the Imperial Parliament have been applied.

2. I have received separate Minutes from my Ministers regarding the application of the Union Act to Southern and Northern Rhodesia, the Bechuanaland Protectorate, Basutoland and Swaziland and am giving them my attention as High Commissioner.

3. Although separate Proclamations have been drafted, I understand that it is the present intention of the Union Government to issue only one Proclamation which would cover all the countries to which the Imperial Act has already been applied, and that the date of the application of the Union Act to all those countries should, if possible, be identical.

4. Since these Minutes were drafted Ministers have received a copy of your despatch No. 119 of the 14th May† notifying the application of the provisions of the Imperial Act to South Australia and the Northern Territory of Australia, and it is their wish that those two countries should be considered to be included in the schedule to the second Minute. Similarly, they would be willing to include in the main Union Proclamation any other country to which the Imperial Act may be applied in the interval before the issue of the Union Proclamation, subject to the production of evidence of reciprocity as indicated in Minute No. 426.

5. This main Proclamation would, of course, be supplemented from time to time in respect of such additional countries as adopted reciprocal measures within the meaning of the Union Act.

6. My Ministers desire to learn in what terms the Union Act should be made applicable to the Irish Free State and Northern Ireland.

7. Additional copies of the Union Act can be supplied if required.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure 1 in No. 8.

Prime Minister's Office, 13th June, 1923.

MINUTE NO. 424.

MINISTERS have the honour to advise His Royal Highness the Governor-General in connexion with his Minute No. 53/441 of the 1st of December, 1922, and previous communications on the subject of the application throughout British Possessions of the (Imperial) Maintenance Orders (Facilities for Enforcement) Act, 1920, that the Maintenance Orders Act, 1923 (No. 15) of the Union Parliament makes due provision for the enforcement in the Union of a maintenance order made in any part of the United Kingdom, upon the issue of a Proclamation by His Royal Highness declaring that there is in force in the United Kingdom a law providing for the enforcement therein of maintenance orders made by courts of the Union.

Ministers have taken due notice of the terms of the Imperial Act above mentioned, under which provision is made for the enforcement in the United Kingdom of maintenance orders made by the Union courts.

* 29224: not printed; it forwarded copies of the Union of South Africa Maintenance Orders Act No. 15 of 1923.

† 20025: not printed; it forwarded copies of Orders in Council of 16th April, 1923, relating to South Australia and the Northern Territory of Australia.

Ministers are prepared to recommend that His Royal Highness be pleased to issue a Proclamation, of which a draft is attached hereto, which will have the effect of applying the Maintenance Orders Act, 1923, to the United Kingdom, upon receipt of an intimation from His Majesty's Government that the complementary Order in Council applying the Maintenance Orders (Facilities for Enforcement) Act, 1920, to the Union of South Africa will be issued in due course.

Ministers will be obliged if His Royal Highness will be good enough to ascertain from the Imperial Government the date from which the Order in Council will have effect in order that His Royal Highness's Proclamation may be given effect from the same date.

Ministers transmit for information four copies of the Maintenance Orders Act, 1923.

J. C. SMUTS.

PROCLAMATION.

BY MAJOR-GENERAL HIS ROYAL HIGHNESS PRINCE ARTHUR FREDERICK PATRICK ALBERT OF CONNAUGHT, KNIGHT OF THE MOST NOBLE ORDER OF THE GARTER, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT OF THE MOST ANCIENT AND MOST NOBLE ORDER OF THE THISTLE, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF ST. MICHAEL AND ST. GEORGE, KNIGHT GRAND CROSS OF THE ROYAL VICTORIAN ORDER, COMPANION OF THE MOST HONOURABLE ORDER OF THE BATH, PERSONAL AIDE-DE-CAMP TO HIS MAJESTY THE KING, HIGH COMMISSIONER FOR SOUTH AFRICA, AND GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF IN AND OVER THE UNION OF SOUTH AFRICA.

WHEREAS by the Maintenance Orders Act, 1923, provision has been made to facilitate the enforcement in the Union of South Africa of maintenance orders made by courts in any other part of His Majesty's Dominions or in British Protectorates or in British Mandatory Territories and vice versa;

And whereas by Section 1 of the said Act it is provided that the said Act shall apply from a date to be specified by me in respect of:—

- (a) any part of the United Kingdom;
- (b) any part of His Majesty's dominions outside the United Kingdom and the Union;
- (c) any Territory under the protection of His Majesty;
- (d) any Territory in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions;

whenever I have declared by Proclamation in the *Gazette* that in such part of the United Kingdom or in such part of His Majesty's dominions or in such Territory (as the case may be) there is in force a law providing for the enforcement therein of maintenance orders made by courts of the Union;

Now, therefore, under and by virtue of the powers vested in me by the said Act, I do hereby declare, proclaim and make known that in the United Kingdom there is in force a law to wit the Maintenance Orders (Facilities for Enforcement) Act, 1920, providing for the enforcement therein of maintenance orders made by courts of the Union and that the said Maintenance Orders Act, 1923, shall apply in respect of the United Kingdom as from the day of 1923.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa, at

this day of One thousand Nine hundred and Twenty-three.

GOVERNOR-GENERAL.

By Command of His Royal Highness the Governor-General in Council.

Enclosure 2 in No. 8.

Prime Minister's Office, 13th June, 1923.

MINUTE No. 426.

MINISTERS have the honour to refer to the Minutes from His Royal Highness the Governor-General enumerated in the schedule accompanying this Minute on the subject of the application of the Imperial Maintenance Orders (Facilities for Enforcement) Act, 1920, throughout the British Empire.

Ministers have in separate Minutes approached His Royal Highness in regard to the extension to the United Kingdom, to Basutoland, and to the Protectorates of Southern Rhodesia, Northern Rhodesia, Swaziland and the Bechuanaland Protectorate, of the provisions of the Union Maintenance Orders Act No. 15 of 1923, which contains legislation complementary to the Imperial Act.

Ministers propose at an early date to take action towards the inclusion of South West Africa among the Territories to which this legislation should be applied.

Ministers have noted that His Majesty's Government has extended the Maintenance Orders (Facilities for Enforcement) Act, 1920, to the Territories set out in the schedule hereto by the Orders in Council mentioned therein, and they have in contemplation the extension of the Union Act thereto. For this purpose it is necessary that they should be placed in a position to decide whether the legislation on the subject in these Territories is such as will enable them to address to His Royal Highness a request to issue the Proclamations required by Section 1 of the Union Act.

Ministers therefore have the honour to ask that His Royal Highness be so good as to cause steps to be taken to procure for their information copies of the relevant legislation of these Territories.

Ministers at the same time forward herewith for the information of the Governments of the Territories concerned sixty copies of the Union Act.

Ministers beg further to request that when Orders in Council extending the Imperial Act to other British Possessions are transmitted to them they may be accompanied by copies of the relevant legislation of such British Possessions.

J. C. SMUTS.

Schedule.

Governor-General's Minute. No.	Date.	Order in Council. Date.	British Dominion or Possession.	British Protectorate.
53/379	13 July, 1921	27 May, 1921	Grenada The Leeward Islands	
53/380	30 July, 1921	27 June, 1921	Mauritius Malta The Straits Settlements	
53/393	23 September, 1921	25 July, 1921		The Nyasaland Protectorate The Somaliland Protectorate
—	—	10 August, 1921	The Island of Saint Vincent The Colony of Nigeria	
—	—	10 August, 1921	Cyprus	The Protectorate of Nigeria The Northern Territories of the Gold Coast
53/404	18 November, 1921	11 October, 1921 11 October, 1921 11 October, 1921	Isle of Man Ashanti Ceylon Hong Kong Gibraltar St. Lucia	The Uganda Protectorate
53/405	28 January, 1922	13 December, 1921	The Colony of the Gold Coast The Colony of the Gambia The Colony of Trinidad and Tobago	

Governor-General's Minute. No.	Date.	Order in Council. Date.	British Dominion or Possession.	British Protectorate.
53/413	4 April, 1922	6 February, 1922 6 February, 1922 6 February, 1922 6 February, 1922	British India Queensland	The Zanzibar Protectorate
53/417	1 June, 1922	21 April, 1922	The Falkland Islands Western Australia Tasmania Bermuda	
53/425	1 September, 1922	20 June, 1922	The Gilbert and Ellice Islands	
53/426	8 September, 1922	20 June, 1922	The Dominion of New Zealand	
53/441	1 December, 1922	18 October, 1922	Fiji Seychelles	
—	—	18 October, 1922		British Solomon Islands Protectorate
53/451	29 May, 1923	16 April, 1923		The Protectorate of Kenya The Protectorate of Sierra Leone
—	—	16 April, 1923	Barbados British Guiana The Colony of Kenya The Colony of Sierra Leone	

37921

No. 9.

TASMANIA.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 30th July, 1923.)

(No. 20.)

Government House, Hobart, Tasmania,

MY LORD DUKE,

18th June, 1923.

WITH reference to your predecessor's despatch No. 37 of the 14th October last,* forwarding copies of Provisional Rules made by the Lord Chancellor under Section 7 of the Maintenance Orders (Facilities for Enforcement) Act, 1920, I have the honour to transmit herewith copy of a despatch which I have received from the Honourable the Premier relating to the above subject.

I have, &c.,

HERBERT NICHOLLS,
Administrator.

(No copy sent to Governor-General.)

Enclosure in No. 9.

YOUR EXCELLENCY,

13th June, 1923.

WITH reference to the Secretary of State's despatch No. 37 dated the 14th October, 1922, regarding the enforcement of original orders made in England under the provisions of the Maintenance Orders (Facilities for Enforcement) Act, 1920, I have the honour to inform you that Part IV of "The Maintenance Act, 1921" (Tasmania), contains provisions which are practically identical with those of the English Act.

The requirements of the Tasmanian Courts, in the case under review, will be substantially the same as those of English Courts, and no documentary evidence beyond the certified copy of the order, the depositions, and a statement of the grounds upon which the order might be opposed, will be required by the Tasmanian Courts.

* No. 39837: not printed; it asked for information as to the requirements of Courts in Tasmania.

It is proposed to make regulations similar to the Provisional Rules made under the Imperial Act, by the Lord Chancellor, and the Directions of the President of the Probate, Divorce and Admiralty Division of the High Court.

Copies of the regulations framed will be forwarded in due course for transmission to the Secretary of State.

I have, &c.,

ERNEST F. BLYTH,
for Premier.

His Excellency

The Administrator of the Government,
Hobart.

40087

No. 10.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 11th August, 1923.)

(No. 13.)[†]

MY LORD DUKE,

Government House, Brisbane, 6th July, 1923.

WITH reference to Your Grace's despatch No. 28 of the 10th March last,* relative to Rules made under the Maintenance Orders (Facilities for Enforcement) Act, 1920, I have the honour to state that I am informed by the Premier that the Crown Solicitor advises that the documentary evidence which should accompany Provisional Orders made by the Courts of reciprocating States should comprise:—

1. A copy of the Provisional Order certified as correct by an officer of the Court making the Order.
2. Original deposition of each witness (one of whom should give as accurate a description as possible of the defendant) signed by the witness and by the judicial officer or officers before whom the deposition is taken.
3. All exhibits, including if possible a photograph of the defendant, certified to by an officer of the Court in which they are tendered.
4. A statement of the grounds upon which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings signed by the judicial officer or officers who made the Order.

2. I have not sent a copy of this despatch to His Excellency the Governor-General.

I have, &c.,

MATTHEW NATHAN,
Governor.

45518

No. 11.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 242.)

SIR,

Downing Street, 26th September, 1923.

WITH reference to Your Royal Highness's despatch No. 306 of the 15th June,† regarding the application of the Union of South Africa Maintenance Orders Act, 1923, to the United Kingdom and parts of the British Empire to which the Imperial Maintenance Orders (Facilities for Enforcement) Act, 1920, has been applied, I have the honour to request you to inform your Ministers that the Imperial Act does not apply to Scotland, and that it will consequently be impossible to provide by Order in Council here and by Union Proclamation for the establishment of reciprocity between the Union of South Africa and the United Kingdom as a whole. Since Scotland lies outside the scheme of the Imperial Act there is no law in force in Scotland providing for the enforcement there of maintenance orders made by Courts of the Union.

* 30308: not printed; it asked for information as to the requirements of Courts in Queensland.
† No. 8.

2. The position of the Irish Free State in relation to the Imperial Act is at present receiving the consideration of the Free State Government, and a further communication on this subject will be made to you in due course.

3. In view of the passing of the Union Maintenance Orders Act, 1923, an Order in Council will be issued as early as possible applying the Imperial Act, as regards England and Northern Ireland, to the Union of South Africa. I will inform you by telegraph of the date from which it is proposed that the Order in Council shall take effect, in order that the Union Proclamation regarding the application of the Union Act to England and Northern Ireland may, in accordance with the desire expressed by your Ministers, be given effect from the same date.

4. As regards the wish of your Ministers to apply the Union Act by means of a single Proclamation to all those parts of the British Empire to which the Imperial Act has been extended by Order in Council, I would explain that the Imperial Act provides for reciprocity only as between England and Ireland on the one hand and other parts of the Empire on the other hand, and that similar reciprocity as between other parts of the Empire, *inter se*, can accordingly only be arranged by mutual agreement between the territories concerned. It would be most convenient, therefore, that your Ministers should communicate direct with the Governments of any Territories with which it is desired that reciprocity should be established. In accordance with the request made in paragraph 5 of Ministers' Minute No. 426 of the 13th June, I enclose copies of the relevant legislation* in force in all Dominions, Colonies, Protectorates, etc., to which the Imperial Act has been extended by Order in Council. A complete set of the Rules made under the legislation of the various Territories is not in my possession, but in cases where it is desired to establish reciprocity such Rules could no doubt be obtained from the Territory concerned.

6. The Secretary of State for India has suggested that the Union Government should make arrangements for reciprocity direct with the Government of India. A copy of the Indian Maintenance Orders Enforcement Act, 1921,* is enclosed, together with copies of Rules made thereunder.

7. I am informed by the Secretary of State for Home Affairs that arrangements are being made for the extension of the provisions of the Isle of Man Legislation to the Union of South Africa, and a further communication on this subject will be sent to you as early as possible.

8. The request of your Ministers that copies of Orders in Council extending the Imperial Act to other British Possessions shall, when transmitted to you, be accompanied by copies of the relevant legislation, has been noted, and action will in future be taken accordingly.

I have, &c.,

DEVONSHIRE.

47284

No. 12.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 15.]

(No. 244.)

SIR,

Downing Street, 27th September, 1923.

WITH reference to paragraph 7 of my despatch No. 242 of the 26th September,† I have the honour to transmit to Your Royal Highness, to be laid before your Ministers, 2 copies of the Isle of Man Maintenance Orders (Facilities for Enforcement) Act, 1921,* together with the draft of an Order extending that Act to the Union of South Africa.

I should be glad to be informed of the date from which it is desired that the proposed Order should take effect.

I have, &c.,

DEVONSHIRE.

* Not reprinted. † No. 11.

Enclosure in No. 12.

THE MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT, 1921.

ORDER MADE BY HIS EXCELLENCY MAJOR-GENERAL SIR WILLIAM FRY, K.C.V.O.,
C.B., LIEUTENANT-GOVERNOR OF THE ISLE OF MAN.

WHEREAS it is enacted by Section 11 of the Maintenance Orders (Facilities for Enforcement) Act, 1921, that where the Governor is satisfied that reciprocal provisions have been made by the Legislature of any part of His Majesty's Dominions or British Protectorate outside the Isle of Man for the enforcement within that part of Maintenance Orders made by Courts within the Isle of Man, the Governor may by Order extend such Act to such part of His Majesty's Dominions or British Protectorate.

And whereas provisions have been made by the Legislature of the Union of South Africa for the enforcement within such Union of Maintenance Orders made by Courts within the Isle of Man.

Now I, the Lieutenant-Governor of the Isle of Man, under the powers in me vested under the Maintenance Orders (Facilities for Enforcement) Act, 1921, do hereby order that such Act shall extend to the Union of South Africa.

Given at Government House, Isle of Man, this day of
1923.

M.G.,
Lieutenant-Governor.

50648

No. 13.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.35 p.m., 18th October, 1923.)

TELEGRAM.

[Answered by No. 14.]

My despatch 26th of September No. 242,* paragraph 3. Order in Council issued 11th of October extending Imperial Maintenance Orders Act, 1920, as regards England and Northern Ireland to Union of South Africa with effect from 1st of November, 1923.

52788

No. 14.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.25 p.m., 30th October, 1923.)

TELEGRAM.

30TH OCTOBER. Your telegram of 18th October.† Proclamation being issued applying Union Maintenance Order Act to England and Northern Ireland as from 1st November.—ARTHUR FREDERICK.

* No. 11. † No. 13.

52790

No. 15.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.20 p.m., 30th October, 1923.)

TELEGRAM.

30TH OCTOBER. Your despatch dated 27th September, No. 244.* Issue of Order under Isle of Man Maintenance Order Act, 1921. Ministers suggest 1st November as date from which Order should take effect. Proclamation is being issued here applying Union Act to Isle of Man from the same date.—ARTHUR FREDERICK.

50647

No. 16.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 36.]

(No. 425.)

MY LORD,

Downing Street, 5th November, 1923.

With reference to my despatch No. 196 of the 14th of May,† I have the honour to transmit to Your Excellency, for the information of your Ministers, one sealed and six plain copies of an Order of His Majesty in Council, dated the 11th of October, 1923, applying the Maintenance Orders (Facilities for Enforcement) Act, 1920, to Norfolk Island, and certain Colonies.

2. This Order has been issued consequent upon the passing of Ordinance No. 5 of 1923, of the Territory of Norfolk Island, which was published in the *Commonwealth of Australia Gazette* No. 52 of the 26th of July. It will be observed that Section 2 of the Order excludes the Irish Free State from the operation of the Act; the position with regard to that country is now receiving the consideration of the Free State Government.

3. I enclose copies of Provisional Rules‡ made by the Lord Chancellor under Section 7 of the Imperial Act, together with copies of a circular letter‡ issued by the Home Office to all Clerks to Justices in England.

4. I should be glad if you would invite the attention of your Ministers to paragraph 3 of the circular letter on the subject of provisional Orders made in this country against defendants who are resident overseas. It would be convenient if His Majesty's Government could be informed as soon as possible as to the requirements of the Courts in Norfolk Island in connexion with such orders sent to them for confirmation, more particularly with regard to the documentary evidence which should accompany them.

5. It will also be observed, from paragraph 6 of the Home Office circular letter, that it is hoped that monies paid by a defendant overseas in pursuance of an Order will generally be forwarded to the Clerk of the Court by which the Order was made, for payment to the complainant. In this connexion, I have to draw attention to Rule 6 of the Provisional Rules as to payment in the converse case.

6. The Provisional Rules made by the Lord Chancellor relate only to Courts of Summary Jurisdiction, but a "Direction,"‡ copies of which are enclosed, has also been issued by the President of the Probate, Divorce and Admiralty Division of the High Court, under Section 1 of the Act, regarding the registration in that Division of Maintenance Orders made by a Court of Superior Jurisdiction.

7. I shall be glad to learn whether an Ordinance on the subject has yet been passed in respect of Papua.

I have, &c.,
DEVONSHIRE.

* No. 12. † No. 6. ‡ Not reprinted.

50800

No. 17.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 22.]

(No. 291.)

SIR,

Downing Street, 5th November, 1923.

WITH reference to my despatch No. 242 of the 26th of September, and to my telegram of the 18th October,* I have the honour to transmit to Your Royal Highness, for the information of your Ministers, one sealed copy and six plain copies of an Order of His Majesty in Council, dated the 11th of October, 1923, applying the Maintenance Orders (Facilities for Enforcement) Act, 1920, as regards England and Northern Ireland to the Union of South Africa. It will be observed that this Order has force and effect as from the 1st of November, 1923.

2. I enclose copies of Provisional Rules† made by the Lord Chancellor under Section 7 of the Imperial Act, together with copies of a circular letter‡ issued by the Home Office to all Clerks to Justices in England.

3. I should be glad if you would invite the attention of your Ministers to paragraph 3 of the circular letter on the subject of Provisional Orders made in this country against defendants who are resident overseas. It would be convenient if His Majesty's Government could be informed as soon as possible as to the requirements of the Courts in the Union in connexion with such Orders sent to them for confirmation, more particularly with regard to the documentary evidence which should accompany them.

4. It will also be observed, from paragraph 6 of the Home Office circular letter, that it is hoped that monies paid by a defendant overseas in pursuance of an Order will generally be forwarded to the Clerk of the Court by which the Order was made, for payment to the complainant. In this connexion, I have to draw attention to Rule 6 of the Provisional Rules as to payment in the converse case.

5. The Provisional Rules made by the Lord Chancellor relate only to Courts of Summary Jurisdiction, but a "Direction,"‡ copies of which are enclosed, has also been issued by the President of the Probate, Divorce and Admiralty Division of the High Court, under Section 1 of the Act regarding the registration in that Division of Maintenance Orders made by a Court of Superior Jurisdiction.

6. I also enclose copies of an Order in Council‡ applying the Act to the Bahamas, British Honduras, St. Helena and Norfolk Island, together with a copy of the relevant legislation in each case.

I have, &c.,

DEVONSHIRE.

59738

No. 18.

NEW SOUTH WALES.

THE ACTING GOVERNOR TO THE SECRETARY OF STATE.

(Received 3rd December, 1923.)

[Answered by No. 23.]

(No. 77.)

MY LORD DUKE,

Government House, Sydney, 18th October, 1923.

IN continuation of previous correspondence on the subject of reciprocity of action in affording facilities for the enforcement of maintenance orders, I have the honour, at the instance of Ministers, to state that the Parliament of this State has this session passed the necessary legislation, and steps may now be taken, therefore, to issue an Order in Council applying the Imperial Maintenance Orders (Facilities for Enforcement) Act, 1920, to New South Wales.

I have, &c.,

W. P. CULLEN,

Lieutenant-Governor.

* Nos. 11 and 13.

† Not reprinted.

59119

No. 19.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4th December, 1923.)

(No. 280.)

MY LORD DUKE,

Government House, Wellington, 9th October, 1923.

WITH reference to Mr. Churchill's despatch No. 210 of the 14th October, 1922, and to your despatch No. 51 of the 10th March,* asking to be informed of the requirements of Courts in New Zealand in connexion with Provisional Orders made in England and Ireland against defendants who are resident overseas, I have the honour to inform Your Grace that my Ministers advise me that Regulations under the New Zealand Maintenance Orders (Facilities for Enforcement) Act, 1921, have now been made and gazetted, and came into force on 1st October. A pamphlet of instructions to Magistrates, embodying these Regulations, has been drawn up, and three copies of such pamphlets are enclosed.†

2. Ministers state that it will be observed that no further provision is made for any documentary evidence in connexion with the confirmation of Provisional Orders than that prescribed by Section 5 of the New Zealand Act, and as long as the documents mentioned in paragraph 3 of Sir John Anderson's printed memorandum of 9th August, 1922 (which include those prescribed by Section 5), are transmitted, as has hitherto been the case, the requirements of the New Zealand Courts in this connexion will be met.

3. Moneys payable under an Order made in England and registered or confirmed in this country, will be sent through the High Commissioner in London to the Clerk of the Court by which the Order was made, for payment to the Complainant.

I have, &c.,

JELICOE,

Governor-General.

61089

No. 20.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 17th December, 1923.)

(No. 351.)

Governor-General's Office, Melbourne.

MY LORD DUKE,

2nd November, 1923.

WITH reference to your despatch dated 14th May, 1923, No. 196,‡ regarding Maintenance Orders (Facilities for Enforcement) Ordinances in Commonwealth Territories, I have the honour to inform Your Grace that I am advised by my Acting Prime Minister that steps are being taken to amend the Northern Territory Maintenance Orders (Facilities for Enforcement) Ordinance, 1922, so as to make it applicable only to those parts of the United Kingdom to which the Imperial Act applies.

In addition, regulations are being prepared to facilitate the carrying out in the Northern Territory of the reciprocal arrangements for the enforcement of maintenance orders provided for in the Ordinance. Copies of the amending Ordinance and Regulations will be forwarded as soon as available.

In compliance with the request contained in the fifth paragraph of the despatch under reference, I forward herewith, for the information of Your Grace, six copies of a statement showing the evidence required for confirmation by Northern Territory Courts of provisional maintenance orders made in England or Ireland or in a reciprocating State.

* Nos. 39837 and 30308: not printed; they asked for information as to the requirements of Courts in New Zealand. † Not reprinted. ‡ No. 6.

With regard to the question asked in the final paragraph of your despatch, I desire to state that an Ordinance on the subject, for the Territory of Norfolk Island, No. 5 of 1923, has been passed, and that six copies thereof were forwarded to the Colonial Office under cover of a Library despatch dated 17th August, 1923.

An Ordinance in respect of Papua has not yet been passed, but the Papuan Administration has been asked to take the necessary action as soon as possible.

I have, &c.,

FORSTER,

Governor-General.

Enclosure in No. 20.

EVIDENCE REQUIRED FOR CONFIRMATION BY NORTHERN TERRITORY COURTS OF PROVISIONAL MAINTENANCE ORDERS MADE IN ENGLAND OR IRELAND OR IN A RECIPROCATING STATE.

(1) CERTIFIED copy of order.

(2) Depositions of witnesses.

(a) This should include evidence as to the full address and personal description of the defendant, and, if possible, his photograph should be put in evidence as an exhibit.

(b) A certificate of marriage should also be in evidence as an exhibit.

(3) Statement of grounds on which order might have been opposed. This should be in the form of a certificate signed by one of the magistrates who made the provisional order.

61129

No. 21.

NEW SOUTH WALES.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 17th December, 1923.)

[Answered by No. 23.]

(No. 80.)

MY LORD DUKE,

Government House, Sydney, 1st November, 1923.

IN continuation of my despatch No. 77 of the 18th October,* regarding the passage by the Legislature of the State of a measure for the reciprocal enforcement of maintenance orders, I have the honour to state that Ministers desire to draw Your Grace's attention to Section 12 of the Act referred to, which provides that—where the Governor is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's Dominions outside the United Kingdom for the enforcement within that part of maintenance orders made by courts within New South Wales, the Governor may, by proclamation published in the Government Gazette, declare such part to be a reciprocating State for the purposes of this Act, and thereupon such part shall become a reciprocating State within the meaning of this Act.

2. As the several despatches hitherto received on this subject have only indicated the adoption by certain portions of the Dominions of reciprocal legislation in respect of the United Kingdom itself, it will be necessary, before any Proclamation can be issued under Clause 12 in respect of these portions of the Dominions, to ascertain whether the legislation passed by them (or any of them) covers reciprocity with New South Wales. Ministers would be glad to receive advice from Your Grace on this point.

I have, &c.,

W. P. CULLEN,

Lieutenant-Governor.

* No. 18.

2222

No. 22.

UNION OF SOUTH AFRICA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th January, 1924.)

(No. 613.)

MY LORD DUKE,

Governor-General's Office, Pretoria, 21st December, 1923.

I HAVE the honour to transmit to Your Grace herewith, with reference to your despatch No. 291 of the 5th November, 1923,* copy of Minute from Ministers with enclosure on the subject of the procedure for obtaining confirmation in Union Courts of any provisional order issued under the Maintenance Orders (Facilities for Enforcement) Act, 1920 (Imperial).

I have, &c.,

J. ROSE-INNES,

Acting Governor-General.

Enclosure in No. 22.

MINUTE No. 882.

Prime Minister's Office, 19th December, 1923.

MINISTERS have the honour to acknowledge the receipt of the Minute No. 7/3266 of the 30th ultimo from His Royal Highness the Governor-General covering a despatch (No. 291) from the Secretary of State for the Colonies dated the 5th November, 1923, relative to procedure under the Maintenance Orders (Facilities for Enforcement) Act, 1920, of the Parliament of Great Britain.

2. With reference to paragraph 3 of that despatch Ministers have the honour to transmit herewith a memorandum by the Union Law Advisers on the subject of the requirements which it is thought will be necessary for obtaining confirmation in Union Courts of any provisional order issued in England, Northern Ireland or in any other country which has become a proclaimed country under Section 1 of the Maintenance Orders Act, 1923, Act 15 of 1923 of the Union Parliament.

J. C. SMUTS.

MAINTENANCE ORDERS ACT, 1923 (ACT No. 15 OF 1923).

Memorandum by Union Law Advisers.

THE Maintenance Orders Act, 1923 (Act No. 15 of 1923) of the Union Parliament was promulgated on the 23rd May, 1923. By Section 1 of the Act, however, it applies only in respect of any British Dominion, Possession, Protectorate or British Mandatory Territory, when the Governor-General has issued a proclamation declaring that there is similar legislation in force in that Dominion, Possession, Protectorate or Mandatory Territory.

At the present date (12th December, 1923) the Act has been applied to England, Northern Ireland and the Isle of Man (in the United Kingdom) as from the 1st November, 1923, and to Northern and Southern Rhodesia, Basutoland, Swaziland and Bechuanaland Protectorate in South Africa as from the 17th August, 1923. These countries and territories have therefore become "proclaimed countries" within the meaning of the Act.

2. In the case of England, Northern Ireland and the Isle of Man, if a maintenance order has been made by any court therein and a certified copy thereof is transmitted by the Secretary of State to the Governor-General, a copy of the order will, under Section 2 of the Union Act, be sent to that Magistrates Court in the Union which, upon inquiry, is considered, by reason of the residence within its limits of the person on whom the order is made, to have jurisdiction over that person. The order shall be then registered in that court. On registration, it will be capable of being enforced as if it were a judgment of that court.

* No. 17.

For an order to be regarded as capable of being transmitted for registration, the copy of it must be certified, by the proper officer of the court which made it, to be a true copy. (See definition of certified copy in Section 10.) An affiliation order is not a maintenance order for the purposes of the Act. Otherwise a maintenance order is defined in Section 10 as including any order for the periodical payment of sums of money towards the maintenance of the wife of the person against whom the order is made or of any person whom, under the law of the country in which it was made, that person is liable to support.

3. Where the proclaimed country makes a maintenance order which is provisional only and which therefore needs confirmation by a Union Court before it is capable of being enforced in the Union, there must be sent to the Union—

- (a) A certified copy of the order;
- (b) The depositions of the witnesses on whose evidence the provisional order was made; and
- (c) A statement of the grounds on which it might have been opposed.

If the Union Minister of Justice is satisfied that the person against whom the order was made is resident in the Union he will have the order and the documents aforesaid transmitted to the Magistrates Court having jurisdiction where such person is believed to be resident. That Court will then have such person summoned, in accordance with the Union Magistrates Courts Act, to appear and show cause why the order should not be confirmed. The service of the summons upon such person and the deposit of the order and documents aforesaid in the Magistrates Court raises a *prima facie* case against him, for the depositions are under Section 9 of the Act made evidence in the proceedings before the Magistrates Courts of the Union. There will therefore be a case which he must answer. The onus is therefore upon him to convince the Court on fact and law that the order shall not be confirmed. It is open to him to raise any defence which he might have raised in the proclaimed country to the granting of the provisional order but no other defence. As the certificate of the Court which granted the provisional order in the proclaimed country stating what that defence might have been is conclusive evidence as to what that defence might have been (Section 5 (3) of Act), the proceedings before the Magistrate are obviously much circumscribed. It would seem that nothing short of the defendant traversing and controverting the facts stated in the depositions will prevent the provisional order against him from being confirmed. (Section 5 (4) of Act.)

The only oral evidence which the Court will hear is obviously that of the defendant and of the witnesses (if any) called by him.

It may be, however, that the Court will not be satisfied either with the plaintiff's *prima facie* case as disclosed in the depositions or with the defendant's evidence in rebuttal thereof. In such an event the Act (Section 5 (4)) provides for the Court sending the case back to the Court of the proclaimed country which made the order and adjourning the proceedings till the further information or evidence is obtained. The Magistrates Courts of the Union will be instructed to state specifically in remitting the matter, on what points further information or evidence is required.

4. It follows from what is stated in paragraph 3 of this memorandum that the confirming court in the Union cannot, under the Act, require at the first hearing any other evidence in support of the confirmation of the provisional order than is referred to in that paragraph, viz.: (a) a certified copy of the provisional order, (b) the depositions of the witnesses on whose evidence the provisional order was made; and (c) a statement of the grounds on which the making of the provisional order might have been opposed in England or other proclaimed country. The only question which remains therefore is as to the form of these documents. With regard to (a) its form has been indicated in paragraph 2 of this memorandum, and in this connexion it may be mentioned that Section 8 of the Union Act provides that any document purporting to be signed by a Judge or officer of a Court in a proclaimed country shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it; and the officer of the Court by whom the document is signed shall, until the contrary is proved, be deemed to be the proper officer of the Court to sign the document.

It seems, therefore, that no objection can be raised in the Union Court as to the authenticity or proper authentication of a certified copy of an order or of any deposition, statement or document, or, if raised, is likely to be successful.

With regard to (b) it is thought that one of the depositions should if possible be by a person able to identify the defendant as the person whose photograph is attached and marked by a letter or number, and that all the information as to the address where he is believed to be residing in the Union—as to his full name and age—and as to his personal description should be contained rather in the depositions than in the certified copy of the order. That certified copy should, however, refer to the depositions by a letter or number and as being attached to the certified copy. It would be well if the depositions were also signed by the prescribed officer. The certificate of marriage or certified or office copy thereof should, if possible, be attached to the depositions where the plaintiff is the wife of defendant, and it would perhaps be well if the deponent is able to identify the marriage certificate which she produces and which is attached as that which records the marriage between herself and the defendant—as is done in divorce proceedings. The photograph apart from its value in the proceedings before the confirming court, will be useful in any investigations and inquiries which it may be necessary for the Union authorities to make in order to trace the exact whereabouts of the defendant before the papers can be sent by the Department of Justice to the proper court and service of the summons be effected upon the defendant.

With regard to (c) we cannot with advantage add anything to the view expressed in the Home Office circular of 9th August, 1922, as to the form which the statement of possible grounds of opposition should take.

5. Power is given under Section 7 of the Act to make special rules under the Magistrates Courts Act as to procedure under the Maintenance Orders Act. Up to the present time no such special rules have been made, and it is not thought desirable that they should be until a necessity for them has been disclosed by some experience of the working of the Act, and that short departmental instructions to Magistrates will suffice. It seems, however, at present that the Maintenance Orders Act and the existing Magistrates Court rules contain all that is necessary. In any case no such special rules could deal with questions of sufficiency of evidence.

Services and execution of process will be effected in accordance with the existing Magistrates Courts Act and rules with two modifications which are in favour of the plaintiff:—

- (i) The Government police serve and execute all process under the Maintenance Orders Act;
- (ii) No court fees are payable nor are any fees charged in respect of service or execution of process.

Any enforcement in the Union of a maintenance order from a proclaimed country such as England and any confirmation in the Union of a provisional order made in a proclaimed country will cause little or no expense to the plaintiff.

6. We do not think that we can at present, with advantage, say more as to the manner in which the maintenance order, made under the laws of a proclaimed country can be effectively enforced except perhaps to point out that by a simple endorsement on any summons or writ issued by any Magistrates Court, it can be served or executed within the district of any other Magistrates Court. This is owing to the application to these maintenance orders by Section 7 (1) of Act 15 of 1923, of Section 4 of the Magistrates Courts Act, of 1917. There should be little chance therefore of the defendant evading service or execution by moving to another district at the first hint of the proceedings against him. Further the use of the services of the Union police should make it not difficult to trace him if he does move.

2832

No. 23.

NEW SOUTH WALES.

THE SECRETARY OF STATE to THE ACTING GOVERNOR.

[Answered by Nos. 28 and 34.]

(No. 11.)

SIR,

Downing Street, 1st February, 1924.

I HAVE the honour to acknowledge the receipt of your despatches No. 77 of the 18th of October,* and No. 80 of the 1st of November,† on the subject of the New South Wales Maintenance Orders (Facilities for Enforcement) Act, 1923, and to transmit to you for the information of your Ministers one sealed and six plain copies of an Order of His Majesty in Council dated the 16th of January,‡ applying the provisions of the Maintenance Orders (Facilities for Enforcement) Act 1920 to New South Wales.

2. I should be glad if you would invite the attention of your Ministers to the fact that the enclosed Order in Council excludes the Irish Free State. The position of the Free State in regard to the Imperial Act of 1920 is at present receiving the consideration of the Free State Government.

3. In view of the discussion on this subject which took place in the Legislative Assembly of New South Wales (see page 766 of Debates of 6th September, 1923), it may be desirable to explain that the Imperial Act of 1920 extends to Wales, but does not extend to Scotland; it will not therefore be possible for an Order made under the New South Wales Act of 1923 against a person resident in Scotland to be enforced in that country.

4. I enclose copies of Provisional Rules‡ made by the Lord Chancellor under Section 7 of the Imperial Act, together with copies of a circular letter‡ issued by the Home Office to all Clerks to Justices in England.

5. I should be glad if you would invite the attention of your Ministers to paragraph 3 of the circular letter on the subject of provisional Orders made in this country against defendants who are resident overseas. It would be convenient if His Majesty's Government could be informed as soon as possible as to the requirements of the Courts in New South Wales in connexion with such Orders sent to them for confirmation, more particularly with regard to the documentary evidence which should accompany them.

6. It will also be observed, from paragraph 6 of the Circular Home Office letter, that it is hoped that monies paid by a defendant overseas in pursuance of an Order will generally be forwarded to the Clerk of the Court by which the order was made, for payment to the complainant. In this connexion, I have to draw attention to Rule 6 of the Provisional Rules as to payment in the converse case.

7. The Provisional Rules made by the Lord Chancellor relate only to Courts of Summary Jurisdiction, but a "Direction,"‡ copies of which are enclosed, has also been issued by the President of the Probate, Divorce and Admiralty Division of the High Court, under Section 1 of the Act, regarding the registration in that Division of Maintenance Orders made by a Court of Supreme Jurisdiction.

8. With reference to your despatch No. 80 of the 1st of November, I enclose for convenience of reference a list‡ completed up to date of the Dominions, Colonies and Protectorates in which legislation has been passed reciprocal to the Imperial Act of 1920, and to which that Act has accordingly been extended by Order in Council. The Act has been similarly extended also to British India and the Isle of Man. In the great majority of these cases provision has been made for reciprocity with other parts of the Empire outside England and Ireland; but such reciprocity can only be established by mutual agreement between the parts of the Empire concerned. It would, therefore, appear most convenient that your Ministers should communicate direct with the Governments of any Territories with which it is desired that reciprocity should be established.

I have, &c.,

J. H. THOMAS.

* No. 18. † No. 21. ‡ Not reprinted.

8982

No. 24.

SOUTH AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 25th February, 1924.)

(No. 3.)

MY LORD DUKE,

Government House, Adelaide, 21st January, 1924.

WITH reference to Your Grace's despatch No. 36 of the 14th May last,* I have the honour to transmit herewith 4 copies of the Rules† under the Maintenance Orders (Facilities for Enforcement) Act, 1922, confirmed at the Executive Council, at Adelaide, the 25th of October, 1923.

With regard to paragraph 4 of Your Grace's despatch above mentioned, my Ministers state that it is difficult to make a general statement of the evidence required, but may safely say that the evidence that will satisfy the requirements of an English Court as to the desirability of making a maintenance order will satisfy a South Australian Court. The evidence of the relationship of the complainant to the defendant should be evidenced by a marriage or birth certificate.

As regards paragraph 5 attention is respectfully drawn to Rule 7 of the South Australian Rules attached.

I have, &c.,

G. T. M. BRIDGES,

Governor.

(Copy sent to Governor-General.)

Enclosure in No. 24.

(Extract.)

RULES UNDER THE MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT, 1922.

7. The person through whom the payments are to be made shall collect the moneys due under the maintenance order in the same manner as if it were made in his favour, and may take proceedings in his own name for enforcing payment, and shall send the moneys, when so collected, to the Court from which the maintenance order originally issued.

5817

No. 25.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 26.]

(No. 132.)

SIR,

Downing Street, 29th February, 1924.

I HAVE the honour to invite reference to my predecessor's despatches,‡ as noted in the margin, on the subject of the position of the Irish Free State in relation to the Maintenance Orders (Facilities for Enforcement) Act, 1920, and the Administration of Justice Act, 1920, Part II; and to transmit to Your Excellency, to be laid before Your Ministers, copies of the Maintenance Orders Act, 1923,§ passed by the Government of New South Wales, and of an Order in Council§ made on the 16th January, 1924, applying the Provisions of the Maintenance Orders Act, 1920, to that State.

* No. 7. † Rule 7 only printed here. ‡ Nos. 1 and 5; the remainder, which are not printed, are reminders. § Not reprinted.

550

2. I feel constrained to remind you that, owing to the fact that since this matter was first brought to the attention of your Ministers twelve months ago, I have received no information of their intention therein. I have been precluded from offering any advice or suggestion to the large number of Dominion and Colonial administrations who are, and have been, engaged in providing the reciprocal legislation contemplated in the two Imperial Acts; and further, that those persons who desire to avail themselves of the facilities of which the provision was contemplated under the Acts of 1920 have been debarred from the exercise of rights to which they would appear to have an undoubted moral claim.

3. I have to request that you will move your Ministers to give this long-delayed question their very early consideration, in order that His Majesty's Government may be able to inform the other Governments concerned of their position in this matter relative to the Irish Free State.

I have, &c.,
J. H. THOMAS.

23097

No. 26.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15th May, 1924.)

[Answered by No. 27.]

(No. 185.)

SIR, Vice Regal Lodge, Dublin, 14th May, 1924.

I HAVE the honour to refer to your despatch No. 132 of the 29th February* and previous correspondence originating in despatch No. 71 of the 12th February, 1923,† relative to the position of the Irish Free State in regard to the Maintenance Orders (Facilities for Enforcement) Act, 1920, and Part II of the Administration of Justice Act, 1920, and to state that my Ministers regret that a reply to these despatches has been so long delayed.

2. My Ministers had hoped that it would have been found possible to enact the Courts of Justice Act before the end of last year, but owing to various delays this Act has only become law within the past month, and it was their intention immediately after the passing of the Act to introduce legislation dealing with the matters referred to in the despatches under reply.

3. A Bill entitled the Reciprocal Enforcement of Judgments and Orders Act, 1924, has now been drafted and will, it is hoped, be introduced into the Oireachtas before the end of the present month. A copy of this Bill will be forwarded for your information as soon as printed copies are available.

4. The present draft deals with civil causes in the Superior Courts and with Maintenance Orders which are in the nature of civil proceedings. Further legislation will be necessary to cover the reciprocal execution of warrants and other matters in criminal cases. The provisions of this latter Act cannot be effectively settled until the rule-making authority, created by the Courts of Justice Act, 1924, has settled the procedure in these matters. Every effort will, however, be made to expedite the enactment of the necessary legislation.

I have, &c.,
T. M. HEALY.

23097

No. 27.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 29.]

(No. 305.)

SIR, Downing Street, 20th May, 1924.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 185 of the 14th May† relative to the position of the Irish Free State in regard to the Maintenance Orders (Facilities for Enforcement) Act, 1920, and Part II of the

* No. 25. † No. 1. ‡ No. 26.

Administration of Justice Act, 1920, and to request you to inform your Ministers that His Majesty's Government will be glad of an early opportunity of seeing the Bill which it is proposed to introduce into the Parliament of the Irish Free State.

I have, &c.,
J. H. THOMAS.

28369

No. 28.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 16th June, 1924.)

[Answered by No. 31.]

(No. 16)

SIR, Government House, Sydney, 8th May, 1924.

WITH reference to your despatch No. 11 of 1st February,* respecting the Maintenance Orders (Facilities for Enforcement) Act, I have the honour to state that, in terms of paragraph 8 of that despatch, this Government has communicated with those other portions of the Empire included in the list accompanying your despatch with which it is desired to establish reciprocity in the enforcement of maintenance orders.

2. In regard to the Isle of Man, my Ministers would be grateful if you would be good enough to ascertain for them whether it is desired to establish reciprocal arrangements with New South Wales.

3. Under Section 12 of the New South Wales Act no action can be taken in respect of any other part of the British Dominions, to which the Imperial Act has been extended, until the Governor is satisfied that the Legislature of such part has made reciprocal provisions. Proof of this is made by obtaining copies of the legislation of such part of the Empire. Ministers would also be glad if this requirement of the local Act could be met.

I have, &c.,
D. R. S. DE CHAIR,
Governor.

30459

No. 29.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th June, 1924.)

(No. 243.)

SIR, Vice Regal Lodge, Dublin, 26th June, 1924.

I HAVE the honour to state, in reply to your despatch No. 305 of the 20th May, 1924,† that my Ministers have not yet determined the form of the Bill or Order to be drawn up on the subject of the reciprocal enforcement of Maintenance Orders as between the Irish Free State and Great Britain and other parts of the British Dominions.

I have, &c.,
T. M. HEALY.

30568

No. 30.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 244.)

MY LORD, Downing Street, 9th July, 1924.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 63 of the 29th of March,‡ and to transmit to you, for the information of your

* No. 23. † No. 27. ‡ 21754: not printed; it enclosed copies of Papua Ordinance No. 16 of 1923.

Ministers, one sealed and six plain copies of an Order in Council, dated the 25th of June, 1924, applying the Maintenance Orders (Facilities for Enforcement) Act, 1920, to Papua.

2. It will be observed that Section 2 of the Order excludes the Irish Free State from the operation of the Act; the position with regard to that country is now receiving the consideration of the Free State Government.

3. I enclose copies of provisional Rules* made by the Lord Chancellor under Section 7 of the Imperial Act, together with copies of a circular letter* issued by the Home Office to all Clerks to Justices in England, and of a "Direction,"* which has been issued by the President of the Probate, Divorce and Admiralty Division of the High Court, under Section 1 of the Act, regarding the registration in that Division of Maintenance Orders made by a Court of Superior Jurisdiction. In this connexion I would invite attention to paragraphs 4-6 of my predecessor's despatch No. 425 of the 5th of November, 1923.†

I have, &c.,
J. H. THOMAS.

28369

No. 31.

NEW SOUTH WALES.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 81.)

SIR, Downing Street, 10th July, 1924.

I HAVE the honour to acknowledge the receipt of your despatch No. 16 of the 8th of May,‡ regarding reciprocity with other portions of the Empire in the enforcement of Maintenance Orders, and to transmit to you, for the information of your Ministers, the accompanying copy of a Circular despatch§ which I have addressed to the Officers Administering the Governments of the Colonies not possessing responsible government and Protectorates on this subject. Possibly it may not be thought necessary for New South Wales to reciprocate with all the territories mentioned in the enclosure to that despatch.

2. I enclose copies of the relevant legislation of Fiji, the Gilbert and Ellice Islands Colony and the British Solomon Islands Protectorate, and am requesting those Governments to send copies of any rules made thereunder to you direct.

3. I would suggest that in other cases it would be more convenient for you to communicate direct with the Officers Administering the Government. In some cases no spare copies of the various laws are available in the Colonial Office.

4. A further communication will be sent to you regarding reciprocal arrangements with the Isle of Man.

I have, &c.,
J. H. THOMAS.

30920

No. 32.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

[Answered by No. 35.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.
(New South Wales.
(Victoria.
(Queensland.
(South Australia.
(Western Australia.
(Tasmania.
(Southern Rhodesia. No. 251.)

Dominions No. 318.)

[MY LORD,] [SIR,] Downing Street, 14th July, 1924.

[Not to Southern Rhodesia or Irish Free State: With reference to my despatch No. [57] [59] [32] [40] [17] [11] [8] [12] [42] [6] [8] of the 1st of

* Not printed here. † No. 16. ‡ No. 28. § See enclosure in No. 32.

February,*] [To Irish Free State only: With reference to Your Excellency's despatch No. 243 of the 26th of June,†] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a Circular despatch which I have addressed to the Officers Administering Governments of the Colonies not possessing responsible government and Protectorates on the subject of the Maintenance Orders (Facilities for Enforcement) Act, 1920.

[Not to Commonwealth of Australia: 2. I also enclose a copy of an Order in Council,‡ dated the 25th of June, applying the Act to Papua,] [To Union of South Africa only: together with a copy of the Ordinance§ for the Territory of Papua, No. 16 of 1923.]

I have, &c.,
J. H. THOMAS.

Enclosure in No. 32.

SIR, Downing Street, 24th June, 1924.

WITH reference to the last paragraph of my predecessor's Circular despatch of the 30th September, 1922, on the subject of the Maintenance Orders (Facilities for Enforcement) Act, 1920, I have the honour to transmit to you a statement showing the Dominions, Colonies, Protectorates, etc., to which the Act has been applied by Order in Council, and indicating the territories in which the legislation contains provision for its extension to other places.

2. As it is desirable that the respective laws of the various territories should be extended to maintenance orders made in Courts in other parts of the Empire, I have to suggest that you should open communication with any other territory with which you may consider reciprocal arrangements are required, with a view to the issue of the necessary Notices or Orders for that purpose. I am aware that in a few instances Colonial Governments have already taken steps for the extension of the local legislation to maintenance orders made in neighbouring administrations, but it appears to me that a wider application of the procedure under the various Colonial Ordinances is desirable. I do not, however, consider it necessary that each Colony or Protectorate should extend reciprocal arrangements to all others in which the necessary measures have been adopted, and I am content to leave to the local authority in each case the selection of the Dominions, Colonies or Protectorates with which it is desired to reciprocate. I shall be glad if you will inform me as soon as any such extensions are effected.

3. I take this opportunity to remind you that it is desirable that copies of the Rules of Court made under the local laws, as well as the laws themselves, dealing with this subject should be exchanged between administrations which extend their legislation to each other. I would also observe that, in a few cases, I have not yet received copies of the Rules made locally as requested in paragraph 6 of my predecessor's Circular despatch of the 30th of September, 1922.

I have, &c.,
J. H. THOMAS.

The Officer Administering
the Government of

MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT, 1920.

Legislation in Dominions, Colonies and Protectorates, and dates of Orders in Council applying the Act.

Dominion, Colony, &c.	Act, &c.	Reciprocity Clause.	Order in Council.
Ashanti	Ordce. 8 of 1921	Ordce. 4 of 1922	11th Oct., 1921
Australia, Northern Territory	Ordce. 11 of 1922	Ordce. 3 of 1924 Section 12 (1)	16th April, 1923
Bahamas	Act 11 & 12 Geo. 5 Chap. 8	Act 13 & 14 Geo. 5 Chap. 9	11th Oct., 1923
Barbados	Ordce. 34 of 1922	Section 11	16th April, 1923
Basutoland	Proclm. 75 of 1921	Section 11	6th Feb., 1922
Bechuanaland Protectorate	Proclm. 76 of 1921	Section 11	6th Feb., 1922

* [11] No. 23, other despatches not printed (2832). † No. 29. ‡ Not reprinted.

Dominion, Colony, &c.	Act, &c.	Reciprocity Clause.	Order in Council.
Bermuda	Act 6 of 1922	Section 7	20th June, 1922
British Guiana	Ordce. 6 of 1922	Section 12	16th April, 1923
British Honduras	Ordce. 21 of 1923	Section 12 (1)	11th Oct., 1923
British Solomon Islands Protectorate	K.R. 16 of 1921	Section 12	13th Oct., 1922
Ceylon	Ordce. 15 of 1921	Ordce. 11 of 1922	11th Oct., 1921
Cyprus	Law 18 of 1921	Section 11	10th Aug., 1921
Falkland Islands	Ordce. 1 of 1921	Ordce. 2 of 1922	6th Feb., 1922
Fiji	Ordce. 8 of 1922	Section 11	13th Oct., 1922
Gambia	Ordce. 10 of 1921	Ordce. 9 of 1922	13th Dec., 1921
Gibraltar	Ordce. 6 of 1921	Ordce. 6 of 1922	11th Oct., 1921
Gilbert & Ellice Islands	Ordce. 12 of 1921	Section 12	20th June, 1922
Gold Coast	Ordce. 8 of 1921	Ordce. 15 of 1922	13th Dec., 1921
Gold Coast, Northern Territories	Ordce. 5 of 1921	Ordce. 2 of 1922	10th Aug., 1921
Grenada	Ordce. 4 of 1921	Ordce. 24 of 1921	27th May, 1921
Hongkong	Ordce. 9 of 1921	Ordce. 3 of 1923	11th Oct., 1921
India	Act 18 of 1921	Section 3	6th Feb., 1922
Kenya	Ordce. 33 of 1921	Ordce. 18 of 1922	16th April, 1923
Leeward Islands	Act 11 of 1921	Act 2 of 1922	27th May, 1923
Malta	Law 5 of 1921	Section 12	27th June, 1921
Mauritius	Ordce. 58 of 1920	Ordce. 20 of 1922	27th May, 1921
New South Wales	Act 4 of 1923	Section 12 (1)	16th Jan., 1924
New Zealand	Act 20 of 1921	Section 3	20th June, 1922
Nigeria	Ordce. 8 of 1921	Ordce. 4 of 1922	10th Aug., 1921
Norfolk Island	Ordce. 5 of 1923	Section 11 (1)	11th Oct., 1923
Northern Rhodesia	Proclm. 20 of 1921	Section 11 (1)	6th Feb., 1922
Nyasaland Protectorate	Ordce. 13 of 1921	Ordce. 21 of 1921	25th July, 1921
Papua	Ordce. 16 of 1923	Section 11 (1)	—
Queensland	Act 24 of 1921	Section 12 (1)	6th Feb., 1922
St. Helena	Ordce. 5 of 1923	—	11th Oct., 1923
St. Lucia	Ordce. 7 of 1921	Ordce. 8 of 1922	11th Oct., 1921
St. Vincent	Ordce. 16 of 1921	Ordce. 42 of 1921	10th Aug., 1921
Seychelles	Ordce. 3 of 1922	Section 8	13th Oct., 1922
Sierra Leone	Ordce. 6 of 1921	Ordce. 20 of 1921	16th April, 1923
Somaliland Protectorate	Ordce. 3 of 1921	Ordce. 6 of 1921	25th July, 1921
South Australia	Act 1504, Geo. 5	Section 12 (1)	16th April, 1923
Southern Rhodesia	Ordce. 20 of 1921	Ordce. 3 of 1922	11th Oct., 1921
Straits Settlements	Ordce. 8 of 1921	Ordce. 22 of 1922	27th June, 1921
Swaziland	Proclm. 77 of 1921	Section 11	6th Feb., 1922
Tasmania	Act 40 of 1921	Part III.	21st April, 1922
Trinidad and Tobago	Ordce. 3 of 1921	Ordce. 44 of 1921	13th Dec., 1921
Uganda Protectorate	Ordce. 11 of 1921	Ordce. 5 of 1922	11th Oct., 1921
Union of South Africa	Act 15 of 1923	Section 1	11th Oct., 1923
Western Australia	Act 27 of 1921	Section 14 (3)	21st April, 1922
Zanzibar Protectorate	Decree 22 of 1921	Section 11	6th Feb., 1922

The Imperial Act has not been applied to Malay States, Weihaiwei or Tanganyika Territory.

The issue of an Order in Council applying the Imperial Act to Jamaica has been deferred pending amendment of the law of the Colony.

36943

No. 33.

NEW SOUTH WALES.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 95.)

SIR,

Downing Street, 8th August, 1924.

WITH reference to paragraph 4 of my despatch No. 81 of the 10th of July,* regarding reciprocity between New South Wales and the Isle of Man in the enforcement of maintenance orders, I have the honour to request you to inform your Ministers that the Government of the Isle of Man will be prepared to take the necessary steps to extend the Isle of Man Maintenance Orders (Facilities for Enforcement) Act, 1921,† of which a copy is enclosed, to New South Wales on the understanding that the New South Wales Government will similarly undertake to extend the New South Wales Act to the Isle of Man.

I would suggest accordingly that, if your Ministers agree, arrangements might be made to extend the New South Wales Act to the Isle of Man on a specified date, so fixed as to enable notice of the date to be given one month in advance to the Isle of Man Government, who will then take the necessary steps to extend the Isle of Man Act to New South Wales on the same date.

I have, &c.,

J. H. THOMAS.

42673

No. 34.

NEW SOUTH WALES.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 8th September, 1924.)

(No. 53.)

SIR,

Government House, Sydney, 9th July, 1924.

ADVERTING to your despatch No. 11 of the 1st February last,‡ respecting the reciprocal enforcement of maintenance orders, I have the honour to state that Ministers desire me to apprise you of the following particulars in reply to paragraphs 5 and 6 of your despatch:—

Paragraph 5. Provisional orders sent to this State for confirmation should be accompanied by:—

- Certified copy of Order.
- Photograph of defendant properly identified (if obtainable).
- Certificate of marriage (original if possible so that signature of husband can be compared).
- Original depositions.
- Letters from husband (if available).
- Personal description of defendant (i.e., age, height, &c.).

Paragraph 6. The Rules made under the Act of this State provide that maintenance moneys are to be remitted to the Clerk of the Court from which the Order originally issued.

I have, &c.,

D. R. S. DE CHAIR,

Governor.

47276

No. 35.

WESTERN AUSTRALIA.

THE ACTING GOVERNOR TO THE SECRETARY OF STATE.

(Received 6th October, 1924.)

(No. 54.)

SIR,

Government House, Perth, 6th September, 1924.

WITH reference to your Dominions despatch No. 318 of the 14th July last,§ I have the honour to inform you that my Ministers intimate that in addition to

* No. 31.

† Not reprinted.

‡ No. 23.

§ No. 32.

reciprocity with Great Britain, this State now has reciprocity with British India, the Northern Territory of Australia, the Territory of Norfolk Island, and the Territory of Papua.

Ministers advise that it is very unlikely that any of the other places mentioned in the list forwarded by you will require reciprocity with Western Australia, and it is proposed to take no action until a case arises.

I have, &c.,

R. F. McMILLAN,

Lieutenant-Governor and Administrator.

49419

No. 36.

COMMONWEALTH OF AUSTRALIA.

THE DEPUTY GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 20th October, 1924.)

(No. 249.)

SIR, Governor-General's Office, Melbourne, 12th September, 1924.

WITH reference to your predecessor's despatch dated 5th November, 1923, No. 425,* relative to the application of the Maintenance Orders (Facilities for Enforcement) Act, 1920, to Norfolk Island and certain Colonies, I have the honour to inform you that I am advised by the Prime Minister that provisional Maintenance Orders sent to the Territory of Norfolk Island for enforcement should be accompanied by the following documents:—

- (a) Certified copy of Order;
- (b) Photograph of defendant (if available);
- (c) Certificate of marriage (original, if possible, so that signature of husband can be compared);
- (d) Original depositions;
- (e) Letters from husband (if available);
- (f) Personal description of defendant, i.e., age, height, etc.

I have, &c.,

L. F. CUSSEN,

Deputy of the Governor-General.

Secretariat Note.—Copies of an Order in Council extending the Maintenance Orders (Facilities for Enforcement) Act, 1920, to Jamaica, dated the 9th October, 1924, were sent to the Dominions, Southern Rhodesia and the Australian States by despatch on 23rd October, 1924 (48877/24).

* No. 16.

RESOLUTION XXV.: MUTUAL ENFORCEMENT OF JUDGMENTS AND ORDERS OF COURTS OF JUSTICE, INCLUDING JUDGMENTS AND ORDERS AS TO COMMERCIAL ARBITRATION AWARDS.

That the Imperial Government should consider in concert with the Dominion Governments whether, and to what extent, and under what conditions, it is practicable and desirable to make mutual arrangements with a view to the enforcement in one part of the Empire of judgments and orders of the Courts of Justice in another part, including judgments or orders for the enforcement of Commercial Arbitration Awards.

(See pages 5-13 of Dominions No. 83, and also pages 255-259 below.)

941

No. 37.

NEW SOUTH WALES.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 5th January, 1923.)

[Answered by No. 406.]

(No. 111.)

MY LORD DUKE,

Government House, Sydney, 1st December, 1922.

IN continuation of my despatch No. 69 of the 29th August last,* regarding the passing by this Government of reciprocal legislation in connexion with the Imperial Administration of Justice Act, I have now the honour to state, at the instance of Ministers, that owing to the pressure of other business during the Parliamentary session just closed, it has not been found possible to pass the New South Wales legislation in this matter, but it is hoped that this will be effected during the next session. The Attorney-General has borne the brunt of the session's work, and has had to concentrate on controversial issues.

I have, &c.,

W. E. DAVIDSON,

Governor.

Secretariat Note.—See also Nos. 1-5, 26, 27, 29 as to the position of the Irish Free State.

* No. 9 in Dominions No. 83.

II.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF THE
IMPERIAL WAR CONFERENCE, 1917.

RESOLUTION V.—TRADE COMMISSIONER SERVICE.

That the Imperial War Conference welcomes the proposed increase of the Board of Trade service of Trade Commissioners and its extension throughout the British Empire in accordance with the recommendations of the Dominions Royal Commission, and recommends that the Governments concerned should co-operate so as to make that service as useful as possible to the Empire as a whole, especially for the promotion of Inter-Imperial Trade

(See pages 15-19 of *Dominions* No. 83, and pages 202-204 below.)

6533

No. 38.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6th February, 1923.)

(No. 3.)

MY LORD DUKE, Governor-General's Office, Cape Town, 17th January, 1923.

I HAVE the honour to transmit to Your Grace herewith, with reference to your despatch No. 293 of the 6th November, 1922,* copy of a Minute from Ministers, on the subject of changes in the Commercial Diplomatic Service.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 38.

(No. 16.)

WITH reference to His Royal Highness the Governor-General's Minute No. 20/1302 of 1st December, 1922, forwarding copy of despatch dated 6th November, 1922, No. 293, from the Right Honourable the Secretary of State for the Colonies, covering a copy of a revised list of Commercial Diplomatic Officers, Ministers have the honour to state that as Departments of State of the Union receive the *Board of Trade Journal*, in which changes in the Commercial Diplomatic Service are notified, it will not be necessary for future changes to be communicated by means of despatch.

J. C. SMUTS.

9984

No. 39.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 26th February, 1923.)

(No. 8.)

MY LORD DUKE, Government House, Wellington, 15th January, 1923.

WITH reference to Your Grace's despatch, No. 232, of the 6th November,* I have the honour to inform you that my Ministers advise me that as the New Zealand Government receives regular copies of the *Board of Trade Journal*, it is therefore unnecessary in future to communicate, by despatch, changes in the list of Commercial Diplomatic Officers.

I have, &c.,

JELLICOE,

Governor-General.

* No. 14 in *Dominions* No. 83.

14959

No. 40.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 23rd March, 1923.)

(No. 37.)

MY LORD DUKE, Governor-General's Office, Melbourne, 6th February, 1923.

WITH reference to Your Grace's despatch dated 6th November, 1922, No. 298,* concerning changes in the Commercial Diplomatic List, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government has no objection to the discontinuance of notification by despatch of such changes.

I have, &c.,

FORSTER,

Governor-General.

17516

No. 41.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9th April, 1923.)

[Answered by No. 43.]

(No. 64.)

Governor-General's Office, Melbourne,

23rd February, 1923.

MY LORD DUKE,

REFERRING to your predecessor's despatch dated 1st August, 1922, No. 273,† covering copies of an "Overseas Trade" Circular despatch addressed to His Majesty's Representatives abroad on the subject of more intimate relations between Commercial Diplomatic Officers and the Dominion of Canada, and stating that His Majesty's Government would be ready, if so desired, to consider the extension of the arrangements explained therein to the Commonwealth of Australia, I have the honour to inform Your Grace that I am advised by my Prime Minister that the Commonwealth Government would be glad if the arrangements referred to could be extended to the Australian Trade Commissioners and Representatives mentioned hereunder:—

Mr. E. T. Sheaf,

Australian Trade Commissioner in the East,
Box Office No. 25, Singapore.

Mr. E. S. Little,

N.K.K. Building, Canton Road, Shanghai.

Mr. C. H. Voss,

Commonwealth Representative in Paris,
6 rue Halevy, Paris.

Brigadier-General G. Ramaciotti,

Australia House, Strand, London, W.C.2.

I have, &c.,

FORSTER,

Governor-General.

* No. 14 in *Dominions* No. 83.† No. 12 in *Dominions* No. 83.

37301

No. 42.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 167.)

My LORD,

Downing Street, 31st July, 1923.

WITH reference to Your Excellency's despatch No. 265 of the 27th of September, 1922,* regarding the utilization of the Commercial Diplomatic Service, I have the honour to request you to inform your Ministers that the whole question of co-operation between His Majesty's Government and the Dominion Governments in respect of the supply of commercial intelligence is to be discussed at the forthcoming Imperial Economic Conference. It would accordingly appear desirable to postpone the issue of any detailed instructions on the subject to Commercial Diplomatic Officers until the result of the deliberations of the Conference is known. In the meantime, however, the Commercial Diplomatic Officers in the territories mentioned in the second paragraph of your despatch will be requested to reply to the best of their ability to any inquiries that may be addressed to them by the New Zealand Government or its representatives or by New Zealand firms.

I have, &c.,

DEVONSHIRE.

37302

No. 43.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 44.]

(No. 302.)

My LORD,

Downing Street, 31st July, 1923.

WITH reference to Your Excellency's despatch No. 64 of the 23rd of February, † regarding the utilization of the Commercial Diplomatic Service by Australian Trade Commissioners, I have the honour to request you to inform your Ministers that arrangements in accordance with their wishes have now been made, and that Commercial Diplomatic Officers are being informed accordingly.

2. It would, however, appear to be more convenient if the Representative in London, Brigadier-General Ramaciotti, would in the first instance communicate with the Department of Overseas Trade on matters in regard to which he desires information or advice from Commercial Diplomatic Officers. This procedure, apart from avoiding possible duplication of work, is likely to prove more expeditious, as the required information may in many cases be already in the possession of that Department.

3. Under the arrangement referred to in the Circular despatch of the 30th of December, 1921, addressed to His Majesty's Representatives, a copy of which was enclosed in my predecessor's despatch No. 273 of the 1st of August, 1922, ‡ Canadian exporters as well as Canadian Trade Commissioners are at liberty to apply direct to Commercial Diplomatic Officers for the same assistance and advice which they have hitherto been entitled to receive from Consular Officers. It is observed that your Government do not ask that a similar arrangement should be made in the case of Australian exporters, but no doubt Commercial Diplomatic Officers will reply to the best of their ability to any inquiries which Australian exporters may address direct to them.

I have, &c.,

DEVONSHIRE.

* No. 15 in Dominions No. 83.

† No. 41.

‡ No. 12 in Dominions No. 83.

62921

No. 44.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st December, 1923.)

(No. 371.)

Governor-General's Office, Melbourne,

20th November, 1923.

My LORD DUKE,

WITH reference to Your Grace's despatch dated 31st July, 1923, No. 302,* in regard to the utilization of the Commercial Diplomatic Service by Australian Trade Commissioners, I have the honour to inform you that I am advised by my Acting Prime Minister that the Board of Trade, by which the matter was considered, is desirous that the arrangements referred to in the third paragraph of Overseas Trade Circular despatch of the 30th December, 1921, † addressed to His Majesty's Representatives, should be extended to Australian exporters, and that the Commonwealth Government would be glad if arrangements to this end could be made.

The services of Mr. E. S. Little, Australian Trade Commissioner in China, were terminated on 18th October, and my Ministers will be glad if Your Grace would be so good as to cause his name to be removed from the list of Australian Trade Commissioners, to whom the arrangements referred to in the first paragraph of your despatch of 31st July last should apply.

I have, &c.,

FORSTER,

Governor-General.

* No. 43.

† Enclosure in No. 12 in Dominions No. 83.

RESOLUTION VIII.: CARE OF SOLDIERS' GRAVES.

The Conference, having considered the Minute addressed to the Prime Minister on the 15th March, 1917, by His Royal Highness the Prince of Wales, concurs in the proposals made therein, and humbly prays His Majesty to constitute by Royal Charter an Imperial War Graves Commission for the purposes stated by His Royal Highness, and along the lines therein set forth as embodied in the draft charter submitted to the Conference. The Conference places on record its very deep appreciation of the generous action of the French Government in allotting in perpetuity the land in that country where our men are buried, and urges that similar arrangements should be made, if possible, in the terms of peace with all Governments—Ally, Enemy, or Neutral—for a similar concession in Gallipoli, Mesopotamia, Africa, and all other theatres of war. The Conference desires to record its grateful appreciation of the work already done by the Prince of Wales and his Committee in caring for the graves of those who have fallen in the common cause of the Empire, and its satisfaction that His Royal Highness has consented to become the President of the permanent Commission.

RESOLUTION XII.: CARE OF SOLDIERS' GRAVES.

That the Imperial War Graves Commission be requested as soon as possible after their appointment and organization to prepare an estimate of the probable cost of carrying on the work entrusted to them and to submit the same to the Governments of the United Kingdom and Oversea Dominions with their recommendation as to the proportion that should be borne by each.

IMPERIAL WAR CONFERENCE, 1918.**RESOLUTION I.: IMPERIAL WAR GRAVES COMMISSION.**

The Conference desires to place on record its appreciation of the labours of the Imperial War Graves Commission and is in favour of the cost of carrying out the decisions of the Commission being borne by the respective Governments in proportion to the numbers of the graves of their dead.

(See pages 20 and 40 of *Dominions No. 83.*)

4965

No. 45.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 46.]

(No. 115.)

SIR,

Downing Street, 21st February, 1924.

I HAVE the honour to acquaint you, for the information of your Ministers, that His Majesty's Government have recently had under consideration the question of the future care and maintenance of the graves of British Naval, Military and Air Force personnel in the Irish Free State.

2. His Majesty's Government are not in possession of full information as to the total number of such graves as no complete records were kept prior to about 1915. It is believed, however, that the number of burials between the 4th August, 1914, and the evacuation of the Free State by British Military Forces exceeds 2,000, and that there are probably some 7,000 or 8,000 graves dating from before the 4th August, 1914.

3. The Imperial War Graves Commission, whose powers were originally limited to the graves of members of His Majesty's Naval and Military Forces who died on Active Service between 4th August, 1914, and 31st August, 1921, have recently obtained an extension of their Charter permitting them, if they so desire (and not otherwise) to provide also for the marking and maintenance of British Naval, Military and Air Force graves other than those of men killed in the European

War. In this connexion I would invite reference to my despatch *Dominions No. 30* of the 26th January,* transmitting to you the text of the Charter and the Supplementary Charters of the Commission. His Majesty's Government are considering the possibility of approaching the Commission with a view to their co-operating in the maintenance of all such graves within the area of the Irish Free State, in accordance with arrangements of which I now proceed to indicate the outlines:—

4. The graves in question may be divided into three classes:

(a) War graves.

(b) Pre-War graves.

(c) Post-War graves.

(a) *War Graves.*—It appears to His Majesty's Government that the care of these graves in the Free State may properly be entrusted to the Imperial War Graves Commission, subject to appropriate participation in the expenses of the Commission being made by your Government as by the Government of every other Dominion. Should your Ministers desire that the Free State, in common with the other Dominions, should be represented on the Commission, His Majesty's Government will be glad to request His Majesty the King to grant, and the Commission to accept, a Supplementary Charter in order that such an appointment may be made.

(b) *Pre-War Graves.*—In accordance with the general principle of the transfer of War Department property in the Irish Free State to your Government, and with the practice obtaining in the other Dominions, His Majesty's Government feel that the responsibility for these graves should be transferred to your Ministers, to whom it would be open to carry out the work either through the existing Departments of Government or, should they prefer it, through the agency of the Imperial War Graves Commission under the terms of the Supplementary Charter of the 19th December, 1923, at the expense of Irish Free State funds.

(c) *Post-War Graves.*—It is proposed that the Commission should be invited by His Majesty's Government to undertake the charge of these graves at the expense of British funds. It is understood that no difficulty need be anticipated in identifying these particular graves.

5. Before approaching the War Graves Commission in the above sense, His Majesty's Government desire to learn whether your Ministers concur generally in this proposal, and will be prepared to assist the Commission in these tasks if they undertake them.

6. Should your Ministers concur in these proposals, and should the Commission accept the invitation addressed to them, their first task would be the identification and registration of such graves, and for this purpose it is assumed that they would send over an Inspector or Inspectors who would be instructed to get into touch with the Ministry of Defence of the Irish Free State in the hope that the Ministry would be able to afford them assistance, and, if necessary, protection in the carrying out of their duties. I have to explain that a similar procedure has been followed in the case of Northern Ireland where the Inspectors of the Commission are now completing their task of registration.

7. I shall be glad to receive at the earliest convenient date an expression of your Ministers' attitude towards the above proposals.

I have, &c.,

J. H. THOMAS.

32289

No. 46.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8th July, 1924.)

(No. 260.)

SIR,

Vice Regal Lodge, Dublin, 7th July, 1924.

I HAVE the honour to acknowledge receipt of your despatch *Dominions No. 30* of the 26th January,* transmitting copies of an order in Council of the 19th December approving the grant of a supplemental charter to the Imperial War

* Not printed: content explained above.

Graves Commission, and of your despatch No. 115 of the 21st February* relative to the future care and maintenance of the graves of the British Military and Air Force personnel in the Irish Free State.

2. My Ministers have carefully considered the proposals made in the despatch under reply as to participation in the expense of the Imperial War Graves Commission, and regret that they cannot accept the financial responsibility which membership of the Commission involves.

3. They desire me, however, to inform you that they are willing to take over the entire care and maintenance of all British graves whatsoever in the Irish Free State. They will be glad to learn at an early date if this suggestion meets with the acceptance of His Majesty's Government.

I have, &c.,

T. M. HEALY.

* No. 45.

RESOLUTION XIII.: IMPERIAL MINERAL RESOURCES BUREAU.

That it is desirable to establish in London an Imperial Mineral Resources Bureau, upon which should be represented Great Britain, the Dominions, India, and other parts of the Empire.

The Bureau should be charged with the duties of collection of information from the appropriate Departments of the Governments concerned and other sources regarding the mineral resources and the metal requirements of the Empire, and of advising from time to time what action, if any, may appear desirable to enable such resources to be developed and made available to meet the metal requirements of the Empire.

That the Conference recommends that His Majesty's Government should, while having due regard to existing institutions, take immediate action for the purpose of establishing such a Bureau, and should as soon as possible submit a scheme for the consideration of the other Governments summoned to the Conference.

IMPERIAL WAR CONFERENCE, 1918.

RESOLUTION XVI.: IMPERIAL MINERAL RESOURCES BUREAU.

The Imperial War Conference, having considered the memorandum by the Minister of Reconstruction on the Imperial Mineral Resources Bureau, as amended, agrees that the number of representatives of the mineral, mining, and metal industries on the Governing Body of the Bureau should be increased from four (as originally agreed) to six. The Conference further approves the proposal for a Charter of Incorporation as set out in paragraph 3 of the memorandum and the proposals in paragraphs 7 and 8 as to the allocation of expenditure.

(See page 52 of Dominions No. 83.)

Secretariat Note.—Copies of the Fourth Annual Report of the Imperial Mineral Resources Bureau, together with the Statement of Accounts for 1922, were sent to the Dominions by despatch Dominions No. 158 of the 9th of May, 1923 (21705/23). Copies of the Fifth Annual Report with the Statement of Accounts for 1923 were sent to the Dominions by despatch Dominions No. 186 of the 17th of April, 1924, and to Southern Rhodesia by despatch No. 351 of the 27th of August, 1924 (16724/24).

See also pages 269-289 as to the proposed amalgamation of the Imperial Mineral Resources Bureau with the Imperial Institute.

RESOLUTION XV.: DOUBLE INCOME TAX.

The present system of Double Income Taxation within the Empire calls for review in relation—

- (i) to firms in the United Kingdom doing business with the Oversea Dominions, India, and the Colonies;
- (ii) to private individuals resident in the United Kingdom who have capital invested elsewhere in the Empire, or who depend upon remittances from elsewhere within the Empire, and
- (iii) to its influence on the investment of capital in the United Kingdom, the Dominions, and India, and to the effect of any change on the position of British capital invested abroad.

The Conference, therefore, urges that this matter should be taken in hand immediately after the conclusion of the War, and that an amendment of the law should be made which will remedy the present unsatisfactory position.

(See pages 25-35 of Dominions No. 83.)

469

No. 47.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

(Canada.
Commonwealth of Australia.
New Zealand.
Union of South Africa.
Newfoundland.
New South Wales.
Victoria.
Queensland.
South Australia.
Western Australia.
Tasmania.)

Dominions No. 40.)

[MY LORD,] [SIR,]

Downing Street, 31st January, 1923.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, copies of a Parliamentary Paper, Cmd. 1788, containing the Report of an Inter-Departmental Committee on Income Tax in the Colonies not possessing responsible government, together with a copy of a despatch* which I have addressed to the Officers Administering the Government of the Colonies concerned.

2. It will be observed that in paragraphs 59 and 60 of their Report the Committee deal with the question of "Intercolonial" relief in the case of Double Income Tax, and that provision is made in the Model Ordinance (Section 47: "Relief in respect of Empire Income Tax") to give effect to their recommendations.

[Not to New Zealand: 3. Further copies of the Report are being sent in Library despatch.]

[To Commonwealth of Australia: 4. Similar despatches are being addressed to the Governors of the Australian States.]

I have, &c.,

DEVONSHIRE.

* 59031: not printed.

23732

No. 48.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 19th May, 1924.)

(No. 72.)

SIR,

Governor-General's Office, Melbourne, 2nd April, 1924.

WITH reference to your predecessor's despatch dated 14th November, 1922, No. 412,* covering a copy of a memorandum on the subject of Double Income Tax, prepared by the Board of Inland Revenue, I have the honour, at the instance of my Prime Minister, to forward herewith a copy of a statement in regard thereto submitted by the Commonwealth Commissioner of Taxation.

I have, &c.,

FORSTER,

Governor-General.

Enclosure in No. 48.

Federal Commissioner of Taxation,
Post Office Buildings, Melbourne,
29th January, 1924.

SUBJECT: DOUBLE INCOME TAX.

MUCH unavoidable delay has arisen in connexion with the consideration of the memorandum by the Board of Inland Revenue, London, relative to relief from double income taxation between the Commonwealth and the United Kingdom. The delay is regretted, but at the same time it has permitted the consideration of a number of aspects of the question submitted by various taxpayers, that the reasonable conclusion of the discussion with the Imperial authorities seems now to be possible.

It is clear that the Board of Inland Revenue is granting relief from United Kingdom income tax along lines which are so liberal as to involve the Imperial Exchequer in a loss of some revenue. The Board of Inland Revenue does not seek to find whether or not an amount of Australian income tax has actually suffered double taxation, or to ascertain the actual extent of the double taxation. Paragraph 3 of the Board's memorandum makes this abundantly clear.

It is, however, impossible for the Commonwealth to proceed along similar lines.

The following comments on the Board's memorandum are submitted:—

Paragraphs 3 and 4.—In the example stated in these paragraphs on page 3 of the memorandum of the Board of Inland Revenue, it seems clear that in the first year the United Kingdom will be granting a rebate in respect of £400 which has not been doubly taxed.

If the Commonwealth rates of tax in the two years involved rebate of tax, the rebate would be calculated on £600 in the first year and £300 in the second year, as these amounts represent the income falling to be doubly taxed.

Paragraph 5.—The Board has drawn the correct inference from page 4 of the Governor-General's despatch which the Board is discussing, i.e., the Commonwealth relief will be allowed in respect of the actual amount of income upon which double income tax has been paid by the taxpayer.

Paragraph 6.—The Board is in error in assuming that the Commonwealth relief will be allowed on an actual amount which the taxpayer shows has been subject to both Commonwealth and United Kingdom income tax for the same year of assessment. If the underlined words had been omitted from the assumption, the assumption would then have been correct.

For the purpose of the relief from Commonwealth tax, the actual year of assessment in either the United Kingdom or the Commonwealth is immaterial. The only material fact in this connexion is that double tax has been paid on the income at some time or other since the date when the Commonwealth law on the subject became operative. The underlined word "any" in the phrase "any person who

* No. 24 in Dominions No. 83.

has an amount of income which is liable to income tax for any year of assessment under this Act and in the United Kingdom" does not contemplate a comparison of the rates of corresponding years of assessment, irrespective of the year or years on the basis of which assessments are computed. The word means that when income has been assessed in both countries at any time, however far apart the times may be, relief from double tax is permitted by the Commonwealth law.

It is impossible for the Commonwealth to adopt the suggestion that as a general rule the Commonwealth year of assessment ending on the 30th June should be regarded as corresponding to the United Kingdom year of assessment ending on the following 5th April. Each taxpayer will be required by the Commonwealth Taxation Department to prove two things:—

- (1) The amount of his income which has been doubly taxed in the United Kingdom and in the Commonwealth; and
- (2) The appropriate rate of United Kingdom income tax which he has paid on the doubly taxed income.

This reply deals also with the remarks of the Board of Inland Revenue in paragraph 8 of the Board's memorandum.

Paragraph 9.—This paragraph discusses the proposal of the Commonwealth Taxation authorities that certificates identifying income and stating rates of tax might be issued by both the United Kingdom and Commonwealth Taxation Departments.

It is recognized that extreme difficulty would be experienced by both authorities in compiling such certificates if the compilation were to be undertaken by the authorities. I think it is unnecessary that the authorities should undertake this work, as several cases recently dealt with by the Commonwealth Taxation Department for rebate purposes have been considered in the light of certified statements of account submitted by reputable public accountants showing the dissection of accounts forming the basis of the taxpayers' assessments in the United Kingdom and the Commonwealth and in respect of which the rebate was claimed.

The accounts were accompanied by the certificate issued by the representatives of the Board of Inland Revenue, which, in the cases in point, were in such a form as to permit this Department to act upon the accountants' statements and allow the rebate.

It is thought that claimants for rebate should be obliged to prepare a proper dissection of their accounts and submit them to the assessing authority for certification that the accounts were those used in its assessment for a year to be specified, leaving to the rebating authority to decide upon the acceptance or rejection of the dissection of the accounts submitted to it to show the amount of income upon which double tax has been paid.

The dissection of accounts which the Commonwealth Taxation Department would need would require to show the totals of the gross Australian and ex-Australian income in the accounts, together with the total deductions allowed by the United Kingdom taxation authority separated into two classes, viz.:—

- (1) Those applicable to the taxpayer's income as a whole (Australian and ex-Australian incomes combined); and
- (2) Those allowed in respect of either Australian or ex-Australian income only.

The certificate of either taxing authority as to the amount of income assessed by it and the appropriate rate of tax charged in the assessment based upon the accounts referred to, would enable the other taxing authority to determine the amount of the rebate to be allowed. Apparently, however, the United Kingdom authorities do not desire such a certificate from the Commonwealth authorities. If this be so, the only certificate to be obtained by an applicant for relief from double taxation will be the certificate of the United Kingdom authorities as indicated above.

Paragraph 11.—The Board of Inland Revenue has correctly expressed the meaning of "British rate" in sub-Section (2) (c) of Section 5 of the Commonwealth Act.

Paragraph 12.—The practice of the Board of Inland Revenue stated in this paragraph has been noted.

Paragraph 13.—It is noticed that the United Kingdom relief from double taxation paid by a company on dividends distributed to shareholders who are not Australian residents is first granted to the company, and is subsequently granted to the shareholder (paragraph 13) notwithstanding the fact that the company in nearly every instance deducts the dividend tax from the dividends paid to the non-Australian residents. Furthermore, an ordinary shareholder in a company which

has paid double income tax does not suffer a payment of tax in respect of the undistributed income.

It would appear that the relief granted by the Board of Inland Revenue proceeds on the assumption that any tax paid by a company is paid on behalf of the shareholders. Whilst this may be the case it does not follow that the shareholders' dividend has been subject to any part of the Commonwealth tax on undistributed profits, and the tax on the undistributed profits will not be taken into consideration in the shareholders' assessment for the purpose of relief to him from double taxation.

The position under the Commonwealth law in regard to relief from double tax to be granted to companies and shareholders is as follows:—

Companies—

(a) *Undistributed income.*—The company only is entitled to the relief from double tax.

(b) *Distributed income—*

(i) *Paid to Australian shareholders.*—The company will have paid tax in the United Kingdom and in the Australian State concerned on the full profits.

The Australian shareholders who are taxpayers will have paid Commonwealth tax (and, in the case of Western Australia, in some instances, the State tax) on the dividends.

An Australian shareholder who has paid United Kingdom tax by deduction is the person entitled to apply to the Commonwealth for relief from double tax.

If the Australian shareholder has received the dividend free of tax, he will have difficulty in proving double taxation on his dividend.

(ii) *To absentee shareholders:—*

(a) *Where the absentee shareholder, depositor or debenture holder is separately assessed:—*

In some cases the Commonwealth Taxation Department assesses the absentee separately at the rate appropriate to his total taxable income from Australian sources. In these cases the absentee is the person entitled to the relief from double taxation.

(b) *Where the shareholder, depositor, or debenture holder is not separately assessed, but the company pays on the distributions to them at the flat rate.*

If the company pays dividends and/or interest to the absentees free of income tax, the company is the party entitled to the relief from double taxation.

If the company deducts the flat rate of 7d. (or the corresponding rate in force at the time) from the dividend or interest payable to the absentee, the absentee is the person entitled to the relief from double taxation. It is probable, however, that in these cases the Commonwealth would not be called upon to grant any relief because the flat rate of Commonwealth tax would probably be less than half the United Kingdom rate payable on the same income.

Attached is a schedule containing an illustration of the calculation of the Commonwealth rebate to a company and to a shareholder in a company. It is thought that this illustration may assist the Board of Inland Revenue to a fuller appreciation of the Commonwealth position.

R. EWING,
Commissioner of Taxation.

The Secretary to the Treasury,
Melbourne.

A company with its headquarters in the United Kingdom derives income during the year ended 30th June, 1920, as follows:—

	£	£
From sources in the United Kingdom ...		50,000
From sources in Australia:		
Victoria	25,000	
New South Wales	25,000	
		50,000
		<u>£100,000</u>

Dividends amounting to £40,000 are paid out of current profits. The company consists of five shareholders resident in the United Kingdom who are absentees for the purposes of the Federal Income Tax Assessment Act, and who have no other source of income. The following dividends are received by them:—

A—£24,000. B—£14,000. C—£1,500. D—£380. E—£120.

Rebate under Section 18 to the Company Assessments of the Company.

United Kingdom: Income Tax.—If the "Statutory Income" of the company, upon which the assessment for the United Kingdom financial year 1921-22, commencing on the 6th April, 1921, and ending on 5th April, 1922, is £90,000 (being the average of the profits derived during the three years ended on 30th June, 1918, 1919 and 1920) the income tax payable in the United Kingdom would be £90,000 at 6s. in £ = £27,000.

Commonwealth: Income Tax.—For the financial year 1920-21 commencing on the 1st July, 1920, and ending on the 30th June, 1921.

	£
Income derived in Australia	50,000
Less deduction under Section 20(1) $\frac{10,000}{100,000}$ of £40,000	
= £20,000, i.e., the proportion of the total distribution which was made out of income derived in Australia	20,000
-Taxable income	<u>£30,000</u>

Total tax at 2s. 8d. in £1 on £30,000 = £4,000.

Amount taxed to company under Section 20(2), i.e., on dividends paid to absentee shareholders—

£20,000 at 8d. = £666 13s. 4d.

Shareholders A, B and C are individually assessed as the rate of Federal Income Tax on that proportion (50 per cent.) of the dividends received by them exceeds the absentee rate of 8d. in the £1 paid by the company.

State Assessments.—Under the Income Tax Act of Victoria and New South Wales dividends are taxed at the source, i.e., the company is taxed on both distributed and undistributed income.

Victoria: Income Tax.—For the financial year 1920-21 commencing on the 1st July, 1920, and ending on 30th June, 1921.

Taxed on £25,000 at 1s. in £1 = £1,250.

New South Wales.—For the financial year 1920-21 commencing on 1st July, 1920, and ending on 30th June, 1921.

Taxed on £25,000 at 2s. 6d. in £1 = £3,125.

Commonwealth Rebate: Section 18.

Assuming the company has deducted the absentee tax of 8d. in the £1 from the amount of the dividend paid to each shareholder.

Income Doubly Taxed: Section 18(1)(i).

Income taxed in Commonwealth assessment.

Undistributed income, £30,000 at 2s. 8d. = £4,000.

The income taxed in Commonwealth assessment which has also been taxed in the State assessments is (in this example) regarded as having been derived from each State proportionately to the incomes taxed in each State assessment.

£25,000 has been taxed in each State, therefore the £30,000 taxed to the company is regarded as having been derived equally in each State.

Victoria: £15,000 at 1s. in £1 = £750.

New South Wales: £15,000 at 2s. 6d. in £ = £1,875.

Sum of Commonwealth and State Rates.

Victoria	12d.	New South Wales	30d.
Commonwealth	32d.	Commonwealth	32d.
	<u>44d.</u>		<u>62d.</u>

As neither of these two rates is greater than the British rate, the rate of rebate will be the excess of each of these rates over one-half the British rate (3s.).

Rate of Rebates.

Victorian income (44-36)—8d. in £1.

New South Wales income (62-36)—26d. in £1.

The Commonwealth proportion of the rebate is therefore—

Victorian income $32/44$ of 8d.—5818.

New South Wales income $32/62$ of 26d.—13419.

Each States' proportion of the rebate is therefore—

Victorian income $12/44$ of 8d.—2182.

New South Wales income $30/62$ of 26d.—12581.

The amount of Commonwealth rebate is—

On income derived in Victoria £15,000 × 5818 £363 12s. 6d.

On income derived in New South Wales £15,000 × 13419 £838 13s. 9d.

Total Commonwealth rebate £1,202 6s. 3d.

The amount of rebate by the State is—

Victoria £15,000 × 2182 £136 7s. 6d.

New South Wales £15,000 × 12581 £786 6s. 3d.

Total State rebate £922 13s. 9d.

"No State Government has yet intimated its intention to be a party to the arrangement, so that a taxpayer, who at present pays the three taxes, will not obtain any relief from a State Government. This, however, will not affect the amount of the rebate to be allowed by the Commonwealth under the Section."

Rebates under Section 18 to a shareholder.—Shareholder received a taxable income of £12,000 calculated as follows:—

Dividend Received.	Exempt proportion of dividend received.	Taxable proportion of dividend received.
£24,000	£12,000	£12,000

Assuming the whole of this dividend was paid after the close, on 30th June, 1920, of the company's financial year, "A" would be taxed on it under Federal law in the financial year 1921-22 as income derived by him from sources within Australia during the year ended 30th June, 1921. "A" might be taxed in the United Kingdom on his dividends by deduction of tax by the company during the financial year 1921-22, which commenced on the 6th April, 1921, and ended on the 5th April, 1922.

Unless the State tax paid by the company on the distributed income has been deducted by the company from the dividends, "A" will not have suffered triple taxation.

Assuming that "A" is married and therefore entitled under Section 18 of Finance Act, 1920, to a personal allowance of £225, and that he received his dividends free of State taxation, he will have paid the following taxes:—

Federal Income Tax Financial Year 1921-22.

Tax on £12,000. Paid by company (absentee rate) ...	£400 0 0
Paid by "A" personally	£3,874 10 0
Total	<u>£4,274 10 0</u>

Average rate of Federal income tax—8549d.

United Kingdom Income Tax: Financial year 1921-22.

Dividends received.	Marriage allowance.	Taxable income.	Amount of Tax.	Rate of Tax.
£24,000	£225	£23,775	£7,098 15s. 0d.	71659d.

United Kingdom Super Tax: Financial year 1922-23.

Dividends received,	Amount of tax,	Rate of tax,
£24,000	£5,062 10s. 0d.	50.625d.

No concessional deductions are allowed for income tax, *vide* Davis v. Commissioner of Inland Revenue.

Commonwealth Rebate.

"A" has been taxed in the Commonwealth at 85.49d. in £ on £12,000. Of this amount £11,888 (half of £23,775) has been subsequently taxed in the United Kingdom for income tax and the whole £12,000 for super tax.

The United Kingdom income tax rate is ... 71.659

The United Kingdom super tax rate is ... 50.625

122.284

The British rate for the purpose of Section 18 is the sum of these two rates, i.e., 122.284d.

As the Commonwealth rate is not greater than the British rate, the rate of rebate is the excess of the Commonwealth rate over one-half the British rate, i.e. (85.49—half of 122.284)=24.348. The amount of the rebate under Section 18 is, therefore:—

$$£12,000 \times 24.348 = £1,217 \text{ 8s. 0d.}$$

R. EWING.

RESOLUTION XXI.: IMPERIAL PREFERENCE.

The time has arrived when all possible encouragement should be given to the development of Imperial resources, and especially to making the Empire independent of other countries in respect of food supplies, raw materials and essential industries. With these objects in view this Conference expresses itself in favour of:—

- (1) The principle that each part of the Empire, having due regard to the interests of our Allies, shall give specially favourable treatment and facilities to the produce and manufactures of other parts of the Empire.
- (2) Arrangements by which intending emigrants from the United Kingdom may be induced to settle in countries under the British flag.

(See pages 37-38 of Dominions No. 83 and pages 188-197 below.)

15900

No. 49.

NEW SOUTH WALES.

SIR G. FULLER (PRIME MINISTER) to THE SECRETARY OF STATE.

(Received 28th March, 1923.)

[Answered by No. 50.]

Australia House, Strand, London, W.C.2,

27th March, 1923.

SIR,

PURSUANT to the intention expressed in my letter to you of 17th instant,* I now venture to address a further communication to you on the subject of a tariff preference in Great Britain being accorded to the products of irrigation settlements established in the Overseas Dominions.

I am, of course, well aware of the fact that the question of tariff preference, so far as Australia is concerned, is entirely within the province of the Commonwealth Government, ably represented in London by the Right Hon. Sir Joseph Cook as High Commissioner, but it is also one which vitally affects the capability of the Government of the State of New South Wales, of which I am the Head, to carry to a successful issue the proposals for the settlement of British immigrants on our irrigation areas. These proposals have been already presented to you in the form of an Agreement entered into between the respective Governments of the Commonwealth and of the State. For this reason I have deemed myself entitled—and I hope, Sir, that you will agree with this view—to make direct representation to His Majesty's Government explaining the position of the State in relation to the matter, and stressing its vital importance to the practicability or otherwise of our scheme of immigration framed under the provisions of the Empire Settlement Act.

I feel sure that the Imperial Government fully realizes the mutual advantages which will accrue to the Motherland and to the Overseas Dominions from a bold policy of immigration, both from a defence and a commercial standpoint, to say nothing of sentimental considerations. It is quite unnecessary for me to recapitulate them, when they are given utterance daily by the leaders of public thought in Britain.

But I may, perhaps, be pardoned for inviting attention to a fact which is less generally recognized, that there are tremendously large possibilities, and the best opportunities, for the settlement of British migrants on the irrigation areas either in existence or about to be established in Australia, particularly in New South Wales. This form of settlement is far removed from the ordinary difficulties of pioneering, and affords to new settlers better facilities for social life, with a minimum of risk and hardship.

In the scheme of settlement which the Government of New South Wales has submitted to the Imperial Government, the irrigation areas within the confluence of the Murray and Murrumbidgee Rivers, in the South Western portion of the State, play a very important part. The Governments of Victoria and South

* Not printed: it dealt with the question of Oversea Settlement.

Australia are also similarly interested to a very large extent. The irrigation areas already established have been highly successful in their operations, with the result that, when the requirements of the Australian markets have been satisfied, there is, even now, an exportable surplus of commodities. There are boundless possibilities of extension for this industry provided that a satisfactory market can be secured abroad. The intrinsic quality of the fruit, its flavour and sweetness, compare most favourably with any similar products from any part of the world. The initial difficulties which almost invariably attend the commencement of a new industry, such as grading and perfection in details of processing, are now being rapidly overcome. The heavy yields of fruit on these areas permit a close subdivision of the land, and ten, fifteen or twenty acres, or according to the varying quality of the soil, is regarded as a sufficient holding to ensure the settler a good livelihood.

Our chief competitors abroad in the canned and dried fruits industries are California and the countries bordering on the Mediterranean.

California has a home market comprising 110 millions of people to cater for before export has to be considered. The tendency has been to make the profits from the American market, and to export the surplus at prices which frequently partake of a "dumping" character. It supplies the bulk of the canned fruits and dried tree fruits consumed in Great Britain.

The dried grape fruits on the British market come from Spain (raisins), Greece (currants and sultanas), and Smyrna (sultanas). Supplies of sultanas are also obtained from Persia and Afghanistan.

The standard of living in these countries (Mediterranean and the Levant) is far below that of the English-speaking communities, particularly that of Australia. The low wage and inferior conditions of living enable these countries to place fruit on the European markets at prices with which Australia, with her long sea-carriage and comparatively high living standard, cannot compete.

Settlement on the irrigation areas in Australia is proceeding very rapidly, and with the advent of the British settlers it is no exaggeration to estimate that in the year 1926 there will be an exportable surplus of between 70 and 80 per cent. of dried fruit production. It will thus be readily appreciated that the extension of the overseas markets for irrigation products, dried and canned fruits, is of vital importance to the Australian soldiers already settled on those areas, and to the British immigrants whom it is proposed to establish there.

To summarize the position briefly, therefore, I would say, that the State Governments of New South Wales, Victoria and South Australia are anxious to develop their irrigation resources to the fullest possible extent. They are now prepared to offer large areas of irrigable land on the Murray for immediate British settlement, provided that Great Britain will take such steps as will ensure a reasonable market for high quality dried and canned fruits. In order to stabilize the industry thoroughly, it is imperative that a substantial measure of preference should be given in regard to Dominion commodities of this nature—not so as to increase the prices of such fruits in Britain, but with the object of allowing the Dominions a fair trade margin. It is clearly recognized that Britain is unlikely to grant preference on Dominion articles of prime necessity in a way which would increase the cost of living, but neither canned nor dried fruits come within this category.

As the Premier of the principal Australian State affected by these considerations, I submit that I have not violated any constitutional rule of procedure in thus demonstrating the position in which my Government is placed by this aspect of proposed British settlement within the boundaries of the State, but at the same time I recognize that it is not within my province to suggest the manner in which that policy should be given effect. That is entirely a matter for the Government of the Commonwealth, represented in Britain by the High Commissioner, in whose hands I am perfectly prepared to leave the further discussion of the subject. Sir Joseph Cook, who has been furnished with a copy of this and of my previous letter to you, will be able to present for your consideration remarkable figures illustrating the effect of Australian preference on goods of British manufacture in contradistinction to the small cash benefit Australia has received as a result of the measure of British preference accorded to Australian commodities under the existing tariff.

I content myself, in conclusion, with an earnest prayer that, before I return to Australia, I shall receive from the Imperial Government an assurance that this vitally important question will receive the most favourable consideration, so that

the tremendous effort which my Government proposes to make in the settlement of British people in our State will not be endangered by the possibility of refusal of the claim which we consider is fair and reasonable, amply justified as a measure of co-operation in a great national movement already too long delayed.

I have, &c.,

GEORGE W. FULLER,

Premier, New South Wales.

15900

No. 50.

NEW SOUTH WALES.

THE SECRETARY OF STATE TO SIR G. FULLER (PRIME MINISTER).

[Answered by No. 51.]

DEAR SIR GEORGE,

Downing Street, 28th April, 1923.

I AM sorry that I have been unable to answer earlier your letter of the 27th March.*

I am much impressed with the importance which irrigation is assuming in Australia, and with the opportunities which it appears likely to create for British settlers, and I am very glad to receive your full and interesting account of the possibilities of future development on these lines.

I am sure you will understand that, while all the schemes which are put forward for the encouragement of settlement in the Dominions overseas have to be closely examined here, such examination is carried out with a strong desire to help to ensure the success of the schemes.

I am glad to see that you have sent a copy of your letter to Sir Joseph Cook, since, as you say, the particular suggestion which you make for assisting the development of the irrigation areas is a matter for the Commonwealth authorities, and was, in fact, brought up by them for consideration last year. I anticipate also that Mr. Bruce will raise it again at the coming Imperial Economic Conference, and you will appreciate that, until we know what particular proposals the Commonwealth Government wish to put forward, we cannot go very far. In any case I feel bound to say that, in my opinion, it is very doubtful whether any pronouncement of policy could be made before the Conference meets.

I am sending a copy of this letter to Sir J. Cook.

Yours very truly,

DEVONSHIRE.

24749

No. 51.

NEW SOUTH WALES.

SIR G. FULLER (PRIME MINISTER) TO THE SECRETARY OF STATE.

(Received 16th May, 1923.)

c/o Agent-General for New South Wales, Australia House,

YOUR GRACE,

Strand, London, W.C.2, 3rd May, 1923.

I AM most grateful for your letter of 28th April† in reply to mine of 27th March,* regarding the question of preference to canned and dried fruits grown upon irrigated areas in the Dominions, in relation to the scheme of land settlement which I have submitted to His Majesty's Government.

The reception of my proposals by the Oversea Settlement Committee, acting under Your Grace's instructions, have given me every reason to believe that the Imperial Government wishes to help forward schemes of land settlement in the Dominions in every possible way consistent with an assurance of their practicability.

My representations on this subject were made with the full knowledge of the vital importance of the preference aspect to the success of the migration schemes we have undertaken under the provisions of the Empire Settlement Act, and it is with every confidence that I look forward to the result of the deliberations of the Economic Conference in October next.

There is no room for doubt but that the question will be raised on behalf of the Commonwealth of Australia, and perhaps on behalf of other Dominions also, at the forthcoming Conference, and it seems equally certain that the question will be viewed sympathetically by the representatives of His Majesty's Government.

I am encouraged in this view by the excellent article written in the current issue of the *Empire Review* by Colonel Amery, on "Empire Settlement and Development," and I crave indulgence for quoting the following passage:—

"Men, money and markets, indeed, form an inseparable trio which have to go together to insure really successful development. It is no use spending large sums on irrigation works to enable many thousands of new settlers to grow fruit, unless that fruit, fresh, dried, or preserved, can find a market. And if our policy, and that of the Dominion Governments, is to take steps to promote settlement, it must be equally our policy to provide the market facilities as well as the capital to make settlement a success. In other words co-operation in settlement must be accompanied by co-operation in economic policy."

These, and other pronouncements of prominent British statesmen, as well as Your Grace's own exceedingly courteous reception of my representations, have led me to form the most optimistic outlook in this regard.

I have, &c.,

GEORGE W. FULLER,

Premier, New South Wales.

24552

No. 52.

NEW SOUTH WALES.

SIR G. FULLER (PRIME MINISTER) TO THE SECRETARY OF STATE.

(Received 15th May, 1923.)

c/o Agent-General for New South Wales, Australia House,

YOUR GRACE,

Strand, London, W.C.2, 11th May, 1923.

I AM proposing to leave London on my return journey to Australia on 23rd instant, and, before taking my departure, beg to express my deep sense of gratitude for the extreme courtesy and cordiality with which you, Sir, have received me personally, and for the close attention which you have bestowed upon the various matters upon which I have had the honour to address you.

I venture to make one further observation, viz., that I trust that the forthcoming Imperial Economic Conference will carefully consider the question of the marketing of Australian products in Britain. At the present time there is very great room for definite improvement in the methods adopted in this regard. I realize, of course, that, so far as the general organization of the marketing of Australian products is concerned, it is largely a matter for the Australian producer and the Australian Governments; nevertheless, there are several ways in which His Majesty's Government could materially assist. For instance, the limitations imposed on the marketing of fresh fruit and meat by the privileged markets in London—Covent Garden and Smithfield—should, I think, be very carefully reviewed, and the co-operation of His Majesty's Government in this matter, and the extension of port and rail facilities would be greatly appreciated by the overseas producers.

The problems to be discussed do not merely affect Australia or even the Dominions as a whole, as the difficulties being experienced by the primary producers in the Dominions are practically identical with those of England, and they may be capable of common solution.

It is a matter, of course, upon which the views of Australia will be voiced by its Prime Minister, and I am despatching to Mr. Bruce a communication outlining in detail a scheme which will, I think, serve as a basis for consideration from the Australian standpoint.

I have, &c.,

GEORGE W. FULLER,

Premier, New South Wales.

III.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF THE IMPERIAL WAR CONFERENCE, 1918.

RESOLUTIONS XII: INTER-IMPERIAL PARCELS DELIVERY.

The Conference considers it desirable, for the purpose of encouraging Imperial trade, that the present facilities for inter-Imperial parcels delivery should be enlarged, improved, and co-ordinated, and recommends that the proposals contained in the Board of Trade memorandum should be examined by the Governments represented at the Conference with a view to the preparation of a detailed scheme designed to promote this object.

(See pages 43-44 of Dominions No. 83.)

4948

No. 53.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 29th January, 1923.)

(No. 4.)

MY LORD DUKE,

Government House, St. John's, 15th January, 1923.

I HAVE the honour to acknowledge the receipt of your predecessor's despatch, Dominions No. 457 of the 10th November, 1921,* on the subject of proposals for an Imperial Heavy Parcels-Post Scheme, and to inform you that consideration has been given to the proposals outlined in the Memorandum forwarded in the despatch referred to.

2. My Ministers point out that their present facilities for the handling of parcel-post matter are taxed to the utmost, and that they could not therefore undertake the additional responsibility which would be entailed under the proposed scheme. Further, winter conditions in this country would make it impossible to carry the additional load.

3. Under the circumstances, therefore, my Ministers regret that they cannot see their way to adopt the proposals outlined in the memorandum.

I have, &c.,

W. L. ALLARDYCE.

10269

No. 54.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 27th February, 1923.)

(No. 74.)

MY LORD DUKE,

Government House, Ottawa, 16th February, 1923.

WITH reference to Mr. Winston Churchill's despatch Dominions No. 457 of the 10th November, 1921,* transmitting copy of a memorandum relating to proposals for an Imperial Heavy Parcels-Post Scheme, I have the honour to inform you that the limit of weight for parcels passing by post within Canada is fixed by law at eleven pounds. In the circumstances, the Post Office Department does not feel in a position at present to give a favourable answer in regard to the proposal for this

* No. 225 in Dominions No. 73.

scheme, in so far as it would affect the postal service of Canada, as they could not give to those resident in other parts of the Empire a privilege which is refused by law within this Dominion.

I have, &c.,
BYNG OF VIMY.

Secretariat Note.—The question of placing this subject on the Agenda for the Imperial Economic Conference, 1923, was considered; but in view of the replies received from the Dominions as set out above and in Dominions No. 83 the proposal was dropped. A modified form of the scheme was, however, the subject of informal discussion between the British and some of the Dominion Post Offices during the latter part of 1924.

RESOLUTION XV.: CHANNELS OF COMMUNICATION.

(1) That this Conference is of the opinion that the development which has taken place in the relations between the United Kingdom and the Dominions necessitates such a change in administrative arrangements and in the Channels of Communication between their Governments as will bring them more directly in touch with each other.

(2) That the Imperial War Cabinet be invited to give immediate consideration to the creation of suitable machinery for this purpose.

(See pages 46-51 of Dominions No. 83.)

60001

No. 55.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 8.30 p.m., 2nd March, 1923.)

TELEGRAM.

[Answered by No. 57.]

PERSONAL. I have read carefully your Secret Personal despatch of 29th October and your letter to Masterton Smith.* I am sending official reply† by despatch, but in the meantime wish to assure you there has been no intention whatever of weakening Governor-General's position. You will have noticed in recent telegrams on foreign situation use of formula at end of messages "please inform your Prime Minister," which I think entirely meets your point, though I am not referring to it in my despatch. Phrase "Your Government" in telegram mentioned in your letter was of course a slip. Phrase "following for your Prime Minister from me," was, I think, adopted by my predecessor only in telegrams on Near East crisis, with object partly of differentiating his messages from those sent by Prime Minister on same subject and partly of showing that messages contained his personal appreciations of situation.—DEVONSHIRE.

60001

No. 56.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 57.]

(Personal and Secret.)

MY LORD.

Downing Street, 5th March, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's Secret and Personal despatch of the 29th of October last,‡ on the subject of telegraphic messages from the Secretary of State for the Colonies for your Prime Minister.

2. I find that the phrase "Following for your Prime Minister" in telegrams to the Governors-General of the self-governing Dominions, as distinct from phraseology designed to show that the message is one from the Prime Minister in this country to a Dominion Prime Minister, has been in use for some considerable time. It appears first to have been employed after the Peace Conference, and from time to time both Lord Milner and Mr. Churchill adopted it, mainly in regard to international matters arising out of the Peace Settlement.

3. So far as I am aware, no exception has been taken to this phrase in other Dominions, and in many cases the converse, viz., "Following from my Prime Minister" has been used in telegraphic messages from Governors-General to the Secretary of State.

* Nos. 35 and 36 in Dominions No. 83. † No. 56. ‡ No. 36 in Dominions No. 83.

4. I have made careful inquiry into the whole matter, and I can assure you that in adopting phrases of the kind to which you refer, my predecessors had no intention whatever of weakening the position or authority of the Governor-General in New Zealand or in other Dominions, to the maintenance of which they attached, as I do myself, great importance.

I have, &c.,
DEVONSHIRE.

31763

No. 57.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th June, 1923.)

(Personal and Secret.)

MY LORD DUKE, Government House, Wellington, 14th May, 1923.

I HAVE the honour to acknowledge the receipt of Your Grace's telegram of the [2nd] March and your Personal and Secret despatch of the 5th March,* on the subject of telegraphic messages from the Secretary of State for the Colonies to the Governor-General of New Zealand.

2. In expressing my thanks for your courtesy in meeting so readily the suggestion advanced in my Personal and Secret despatch of 29th October, 1922,† I have the honour to state that the formula: "Please inform your Prime Minister," which appears at the end of messages now sent from the Colonial Office (other than messages contemplated by Resolutions of the Imperial Conference) appears to me to be quite appropriate.

I have, &c.,
JELlicoe,
Governor-General.

* Nos. 55 and 56.

† No. 36 in Dominions No. 83.

RESOLUTION XVIII.: PETROLEUM.

The Conference takes notes of the Memorandum* on the question of Petroleum, and, having regard to the great and growing importance of petroleum and its products for Naval, Military, and industrial purposes, desires to commend the suggestions contained in the Memorandum to the serious consideration of the Governments concerned.

(See pages 53 and 54 of Dominions No. 83.)

6880

No. 58.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 59.]

(Confidential. (2))

MY LORD, Downing Street, 27th February, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's Confidential despatch of the 13th of November last* on the subject of the Northern Territory Mineral Oil and Coal Ordinance, 1922, and to request you to inform your Ministers that the Board of Trade, with which the Petroleum Department is now incorporated, inquire whether it will be possible, under the Ordinance when amended, for one company to hold a number of adjoining leases.

I have, &c.,
DEVONSHIRE.

31745

No. 59.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th June, 1923.)

[Answered by No. 60.]

(Confidential.)

MY LORD DUKE, Governor-General's Office, Melbourne, 10th May, 1923.

REFERRING to Your Grace's despatch dated 27th February, 1923, Confidential (2),† relative to the desire of the Board of Trade to ascertain whether it would be possible under the Northern Territory Mineral Oil and Coal Ordinance, 1922, when amended, for one company to hold a number of adjoining leases, I have the honour to inform you that I am advised by my Prime Minister that the Ordinance in question does not limit the number of adjoining mineral oil or coal leases that may be held by any one company.

I have, &c.,
FORSTER,
Governor-General.

25407

No. 60.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD, Downing Street, 4th June, 1924.

WITH reference to Your Excellency's Confidential despatch of the 10th of May, 1923,† I have the honour to request you to inform your Ministers that the

* No. 40 in Dominions No. 83. † No. 58. ‡ No. 59.

Board of Trade have had their attention drawn to the provisions of the Mining Ordinances of 1923 of the Territory of New Guinea, and to similar legislation which they understand to have been brought into operation in Papua, and have taken the opportunity of expressing their views on the legislation in the Northern Territory relating to Mineral Oil.

2. The Board of Trade point out that in spite of the right to acquire additional leases, the discoverer has a preferential right to leases over only $1\frac{1}{4}$ square miles, and that outsiders who have incurred none of the risks or cost of prospecting may apply for and possibly obtain leases over all the surrounding areas. Even if a company succeeds in acquiring a number of leases, drilling obligations will presumably be imposed in regard to each area, and this may involve uneconomic working of the leased properties regarded as a whole. It is thought possible that it may be claimed that the system of small areas will induce competition and prevent undue accumulation of areas in one hand. The Board, however, are of the opinion that it will be liable in practice either to fail in this object if the successful prospector is able to secure an indefinite number of leases, or if effective, to prevent him from obtaining an adequate return for his efforts. In general, the Board of Trade take the view that the system of small areas will not conduce either to the discovery of possible oil resources or to their development on an adequate scale.

3. I transmit this expression of the opinion of the Department of His Majesty's Government which deals with such matters in case it may be of assistance to your Ministers.

I have, &c.,
J. H. THOMAS.

Secretariat Note.—In accordance with the statement made in No. 40 in Dominions No. 83, the Northern Territory Mineral Oil and Coal Ordinance was amended by Ordinance No. 8 of 1923 to provide for a reward grant of a lease of 640 acres of land. A similar provision was introduced in New Guinea by Ordinance No. 34 of 1923, and in Papua by Ordinance No. 1 of 1924.

RESOLUTION XIX: NATURALIZATION.

This Conference is of opinion that legislation should be passed throughout the Empire restricting, for a period after the War, so far as in the circumstances of each country may be possible, the naturalization of citizens of present enemy countries, and also the acquisition by them of any form of political rights or of land or mining privileges.

[The Government of the Dominion of Canada abstained from voting; the Government of the Union of South Africa recorded dissent.]

RESOLUTION XX: NATIONALITY AND NATURALIZATION.

The Conference refers to the Resolution X passed by the Imperial War Conference, 1917, recognizing the desirability and importance of securing uniformity of policy and action throughout the Empire with regard to naturalization, and recommends that a special Conference, representative of all parts of the Empire, should be held at the earliest practicable date to examine and report in the light of that Resolution upon any question connected with nationality or naturalization which any Government represented at the special Conference may desire to raise, and upon any suggestions which may be made for the amendment of the existing law.

IMPERIAL MEETINGS, 1921.

SECTION XII.: NATIONALITY.

The Committee having considered the Memorandum prepared in the Home Office regarding the nationality of the children born abroad of British parents, commends the principle of the proposals contained therein to the favourable consideration of the Governments of the Dominions and India.

(See pages 65-66 of [Cmd. 1474]: see also pages 55-63 of Dominions No. 83, and pages 167-175 below.)

64245

No. 61.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. No. 16.)

(Commonwealth of Australia. No. 20.)

(New Zealand. No. 4.)

(Newfoundland. No. 5.)

[My Lord,] [Sir,]

Downing Street, 10th January, 1923.

With reference to my predecessor's despatch [No. 456] [No. 334] [No. 177] [No. 139] of the 19th of September, 1922,* regarding the question of the restoration of British nationality to deserted British-born wives of aliens, I have the honour to request [Your Excellency] [you] to inform your Ministers that the Select Committee of the House of Commons which was considering the British Nationality (Married Women) Bill had not completed taking evidence when the Bill automatically dropped on the dissolution of Parliament.

2. If the Bill should be reintroduced in the coming Session, His Majesty's Government are of opinion that no such alteration of the provisions of the British Nationality and Status of Aliens Act of 1914 ought to be made except after discussion between the various parts of His Majesty's Dominions.

I have, &c.,

DEVONSHIRE.

* Nos. 54 and 55 in Dominions No. 83.

64245

No. 62.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 65.]

(No. 17.)

SIR, Downing Street, 10th January, 1923.

WITH reference to Your Royal Highness's despatch No. 571 of the 2nd of November,* regarding the restoration of British nationality to deserted British-born wives of aliens, I have the honour to request you to inform your Ministers that the British Nationality (Married Women) Bill was a Private Member's Bill and not a Government measure, and that the Select Committee of the House of Commons which was considering it had not completed taking evidence when the Bill automatically dropped on the dissolution of Parliament.

2. There is no likelihood of the Bill passing into law in the early future even if it be reintroduced in the coming Session: and further His Majesty's Government are of opinion that no such alteration of the provisions of the British Nationality and Status of Aliens Act of 1914 ought to be made except after discussion between the various parts of His Majesty's Dominions.

3. It is therefore hoped that the Union Government will proceed with their contemplated legislation—*inter alia* adopting Part II of the Act of 1914—without waiting for and without regard to the progress of any Private Member's Bill as to the nationality of married women.

I have, &c.,

DEVONSHIRE.

3532

No. 63.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 20.)

SIR, Downing Street, 31st January, 1923.

WITH reference to your despatch No. 149 of the 5th of December last,† regarding the amendment of the British Nationality and Status of Aliens Acts, 1914 and 1918, I have the honour to request you to inform your Ministers that the Secretary of State for Home Affairs presumes that steps will be taken to incorporate in the Newfoundland Bill referred to the amendments made by the Imperial Act of 1922, as well as by that of 1918.

I have, &c.,

DEVONSHIRE.

5073

No. 64.

COLONIAL OFFICE to FOREIGN OFFICE AND HOME OFFICE.

SIR, Downing Street, 3rd February, 1923.

WITH reference to the letter from this Department of the 13th January,‡ I am directed by the Duke of Devonshire to request you to inform [the Secretary of State for Foreign Affairs] [Mr. Secretary Bridgeman] that it is understood from the High Commissioner for the Union of South Africa that the proposed Nationality and Naturalization and Status of Aliens Bill will not be submitted to the Union Parliament during the present session.

2. A similar letter is being sent to the [Home Office.] [Foreign Office.]

I am, &c.,

C. T. DAVIS.

* No. 56 in Dominions No. 83. † No. 57 in Dominions No. 83. ‡ L.F., enclosing copy of No. 62.

12765

No. 65.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12th March, 1923.)

(No. 47.)

Governor-General's Office, Cape Town,
23rd February, 1923.

MY LORD DUKE, I HAVE the honour to transmit to Your Grace herewith, with reference to Your Grace's despatch No. 17 of the 10th January, 1923,* copy of Minute No. 104 from Ministers on the subject of the restoration of British nationality to deserted British-born wives of aliens, and the intentions of the Union Government with regard to naturalization legislation.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 65.

MINUTE 104.

Prime Minister's Office, Cape Town, 21st February, 1923.

WITH reference to His Royal Highness the Governor-General's Minute No. 48/1339 of the 30th January, 1923, on the subject of the restoration of British nationality to deserted British-born wives of aliens, Ministers have the honour to inform His Royal Highness that they note that there is no likelihood of legislation on this matter being passed in the near future.

Ministers desire to state for the information of the Secretary of State that they have not found it possible to proceed at present with the contemplated legislation in regard to the naturalization of aliens in the Union of South Africa, which includes the adoption of Part II of the Imperial Act.

J. C. SMUTS.

35771

No. 66.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th July, 1923.)

(No. 178.)

MY LORD DUKE, Governor-General's Office, Melbourne, 25th May, 1923.

I HAVE the honour, at the instance of my Prime Minister, to ask that the question of amending the British Nationality and Status of Aliens Act, 1914, so as to permit of the grant of naturalization to persons resident in mandated territories, may be brought before the Imperial Conference.

My Prime Minister informs me that the Permanent Mandates Commission at its session in August, 1922, adopted, for submission to the Council of the League of Nations, a resolution that Mandatory Powers to which "B" and "C" mandated territories had been entrusted might make arrangements, in conformity with their own laws, for the individual acquisition of their nationality by inhabitants of these territories.

The Commonwealth Government is advised that an amendment of the British Nationality and Status of Aliens Act, 1914, will be required before Imperial naturalization can be conferred upon residents (not being in the service of the Crown) of mandated territories. The amendment required would seem to be that residence in "B" or "C" mandated territories should count as residence in His Majesty's Dominions, for the purposes of qualifying by residence for naturalization.

* No. 62.

As the Imperial Act was drafted in consultation with the Dominions, the question of amending it is considered by my Ministers to be a suitable matter for joint consideration at the Imperial Conference.

The Commonwealth Government accordingly suggests that this matter be placed on the agenda for the Conference to be held in October next.

I have, &c.,

FORSTER,
Governor-General.

Note.—See Nos. 195, 205 and 206; also pages 167-175 below.

3992

No. 67.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 68.]

(No. 55.)

MY LORD,

Downing Street, 15th March, 1924.

WITH reference to Your Excellency's despatch No. 275 of the 5th October,* I have the honour to transmit to you, to be laid before your Ministers, copies of an Order in Council† signifying His Majesty's assent to the British Nationality and Status of Aliens (in New Zealand) Act, 1923.

2. In view of the terms of Resolution X of the Imperial Conference of 1911, His Majesty's Government cannot but view with disappointment the decision of the New Zealand Government to maintain the existing system of local naturalization and not to adopt the scheme of Imperial nationality contemplated in that Resolution and embodied in the British Nationality and Status of Aliens Act, 1914.

3. His Majesty's Government share the view of successive Governments since the Act of 1914 was passed that the scheme of Imperial nationality embodied in that Act, and more particularly in Part II thereof, which has already been adopted by Canada, the Commonwealth of Australia and Newfoundland, is in the best interests of the British Empire as a whole. They hope that it may yet be found possible to give full effect to the scheme through the acceptance of Part II by those parts of the Empire which have not hitherto seen their way to adopt it.

I have, &c.,

J. H. THOMAS.

32709

No. 68.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10th July, 1924.)

(No. 107.)

SIR,

Government House, Wellington, 9th June, 1924.

I HAVE the honour to acknowledge the receipt of your despatch No. 55 of the 15th March,‡ forwarding copies of an Order in Council signifying His Majesty's assent to the British Nationality and Status of Aliens (in New Zealand) Act, 1923. Two copies of an extract§ from the *New Zealand Gazette* No. 31 of the 13th May, 1924, containing a Proclamation notifying His Majesty's assent and declaring that the Act came into operation on that date, are enclosed.

2. My Ministers ask me to inform you that the reasons which induced the New Zealand Government to abstain from adopting Part II of the Imperial Act have been fully explained to His Majesty's Government in previous communications, and that the resolution of the Imperial Conference of 1911, to which you refer, was passed at a time when the serious consequences of indiscriminate naturalization, since exposed during the war with Germany, were not fully appreciated.

I have, &c.,

JELlicoe,
Governor-General.

* 54431: not printed; it forwarded a copy of New Zealand Act No. 46 of 1923. † Not reprinted.

‡ No. 67 § Not printed here.

IV.

IMPERIAL MEETINGS, 1921.

Summary of Proceedings and Documents [Cmd.1474.]

Note.—The numbering of sections follows that employed in the Summary of Proceedings and Documents [Cmd. 1474].

SECTION VII (a) IMPERIAL AIR COMMUNICATIONS.

The Conference having carefully considered the Report* of the expert Sub-Committee on Imperial Communications are of the opinion that the proposals contained therein should be submitted for the consideration of the Governments and Parliaments of the different parts of the Empire.

On the understanding that the cost involved will be in the region of £1,800 per month they recommend that, pending such consideration, the existing material, so far as useful for the development of Imperial Air Communications, should be retained.

(See pages 66-71 of Dominions No. 83, and also pages 219-221 below.)

* The Report is printed on page 45 and following pages of [Cmd. 1474].

35024

No. 69.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 4.30 p.m., 26th July, 1923.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

STATEMENT to following effect will be made to Parliament to-day by Prime Minister:—

Begins: The question of the development of airships has recently been considered by the Committee of Imperial Defence and the Imperial Shipping Committee. The Committee of Imperial Defence attaches considerable strategic value to airships, whilst the Imperial Shipping Committee considers that it is by means of an airship service that the carriage of mails can most cheaply be expedited to the Far East and Australia. The Government has, therefore, decided to resume the development of airships, and to proceed, if possible, by means of a commercial service rather than by direct State operation. Proposals have been placed before them by my Honourable and Gallant Friend the Member for Uxbridge, under which a bi-weekly service of six large airships to India will eventually be set up. The Government have accepted the scheme in principle subject to the details of the contract being satisfactorily settled by the Treasury. The House of Commons will have an opportunity of considering the scheme when the details have been provisionally agreed. The administration of the scheme in so far as it is a matter of commercial aviation will come under the Air Ministry. *Ends.*

Please inform Ministers.

—SECRETARY OF STATE FOR THE COLONIES.

SECTION VII (b) IMPERIAL WIRELESS SCHEME

It is agreed that His Majesty's Government should take steps for the erection of the remaining stations for which they are responsible as soon as the stations are designed; that the Governments of Australia, the Union of South Africa, and India should take similar action, so far as necessary, and that the Governments of Canada and New Zealand should also co-operate.

The above scheme was accepted by the Prime Minister of the Commonwealth subject to giving full freedom of action to Australia to decide the method in which Australia will co-operate.

(See pages 72-93 of Dominions No. 83 and pages 226-253 below.)

1503

No. 70.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.55 a.m., 6th January, 1923.)

TELEGRAM.

[Answered by No. 71.]

(Paraphrase.)

POSTMASTER-GENERAL enquires whether licence for establishment of high-power wireless station at Montreal to replace station at Glace Bay has actually been issued to Canadian Marconi Company. If so, what is date of licence and period of validity.—DEVONSHIRE.

2301

No. 71.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.15 a.m., 12th January, 1923.)

TELEGRAM.

(Paraphrase.)

11TH JANUARY. Secret. Your telegram 6th January.* Licence for long distance (trans-Atlantic) wireless station at Montreal first issued to Marconi Company of Canada 30th September, 1921. This licence is (group omitted—? annual) like all other licences in Canada. No work has yet been started on station.—BYNG.

3401

No. 72.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.35 a.m., 19th January, 1923.)

TELEGRAM.

(Paraphrase.)

18TH JANUARY. Wireless communication within the British Empire. Your telegram 14th July, 1922,† and my telegram 9th September, 1922.‡

My Ministers desire to point out that there will be comparatively little value in a wireless station in South Africa unless direct communication with Great Britain can be established, and they accordingly hope that His Majesty's Government

* No. 70.

† No. 91 in Dominions No. 83.

‡ No. 104 in Dominions No. 83.

will soon be able to come to a decision regarding a wireless station in England sufficient in power to operate with the South African Station, the erection of which within eighteen months has been undertaken by the Marconi Company in terms of agreement which was forwarded to you in my despatch 18th October, 1922, No. 540.* As early as possible after the meeting of the Union Parliament on 19th instant, a Bill ratifying that agreement will be introduced. A powerful English Wireless Station capable of working with the South African Station will, therefore, be necessary at an early date. The question of whether the station shall be a Government station or a station operated under a private licence will be, of course, for His Majesty's Government's decision, and my Ministers' wish is only to lay stress on the fact that the matter is one of great urgency.—ARTHUR FREDERICK.

8145

No. 73.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 12.40 p.m., 6th March, 1923.)

TELEGRAM.

[Answered by No. 75.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

6TH MARCH. Prime Minister made following statement in House of Commons last night:—

Begins: Policy to be adopted with regard to Imperial wireless communications has been recently under review by the Imperial Communications Committee under the Chairmanship of the First Lord of the Admiralty, and the recommendations of that Committee have now been approved by the Government.

In view of developments in the science of wireless telegraphy, and other circumstances which have arisen since the late Government decided upon the policy of a State-operated wireless chain, it is not considered necessary any longer to exclude private enterprise from participation in wireless telegraphy within the Empire.

The Government has, therefore, decided to issue licences for the erection of wireless stations in this country for communication with the Dominions, Colonies and foreign countries, subject to the conditions necessary to secure British control and suitable arrangements for the working of the traffic.

At the same time, the Government has decided that it is necessary in the interests of national security that there should be a wireless station in this country capable of communicating with the Dominions, and owned and operated by the State. A station of this kind will, therefore, be erected as early as possible, and it will be available for commercial traffic as well as for Service messages. *Ends.*

—DEVONSHIRE.

10536

No. 74.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.10 a.m., 12th March, 1923.)

TELEGRAM.

[Answered by No. 76.]

12TH MARCH. Press reports 28th February state that licence has been granted by Canadian Government to Marconi Company for wireless station

* No. 110 in Dominions No. 83.

Vancouver, to communicate with Australia, Japan, Montreal. If statement correct, should be glad of particulars as to period and general conditions of licence.—DEVONSHIRE.

14778

No. 75.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.50 a.m., 22nd March, 1923.)

TELEGRAM.

[Answered by No. 81.]

22ND MARCH. Your telegram of 6th March,* Wireless. Under the agreement recently entered into by the Commonwealth Government, provision made for the erection of high-power reciprocal station in Great Britain within period of two years from 28th March, 1922, date of agreement. Under clause No. 12, that reciprocal station has to provide for a service on the basis of 12 hours per day for 300 days in the year at the rate of 20 words a minute. Further, under clause No. 5, there is a definite maximum charge per word. It is anticipated that the Australian station will be erected and operating approximately 12 months. It is essential that the reciprocal station in Britain should also operate by that date and able to give the service defined above and at the rate(s) set out in the agreement. Ministers would be glad to learn when the Government station contemplated in your telegram of 6th March will be operating and whether the service mentioned can be guaranteed. Most essential that Australia requirements should be fully supplied and that there should be no undue delay to the traffic occasioned by sharing the service with other Dominions. Please cable fully in regard to the above, setting out what you consider the minimum service to Australia will be and whether the rate(s) contemplated in the Commonwealth agreement will be varied.—GOVERNOR-GENERAL.

16383

No. 76.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd April, 1923.)

(No. 132.)

MY LORD DUKE.

Government House, Ottawa, 20th March, 1923.

With reference to Your Grace's telegram of the 12th of March,† regarding the grant by the Canadian Government to the Marconi Wireless Telegraph Company of a licence for a Trans-Pacific Radio Station at Vancouver, I have the honour to transmit copy of the licence‡ in question, which will, I think, give all the information you require.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 76.

DOMINION OF CANADA.

"LICENCE TO USE RADIOTELEGRAPHY."

3. The working of the licensed station shall be limited to the exchange of messages with such coast and land stations as are specified in the schedule.

10. (1) If and whenever any Department of the Government shall require the licensee, his servants or agents to transmit, by means of the licensed apparatus, any

* No. 73. † No. 74. ‡ Extracts only printed.

message on His Majesty's Service, such messages shall have priority over all other messages, and the licensee, his servants and agents, shall, as soon as reasonably may be, transmit the same, and shall, until transmission thereof, suspend transmission of all other messages.

(II) The licensee shall not be entitled to claim any compensation in respect of the suspension of the transmission of messages as aforesaid.

18. All operators and other employees of the licensee at the said station shall be British subjects, and must be of such number and the holders of such Certificate of Proficiency as are specified in the schedule annexed hereto.

SCHEDULE.

17. Stations with which the licensed station may communicate: Australia, Montreal, Japan, Great Britain.

SPECIAL REGULATIONS.

1. The actual site to be approved by the Minister. (This refers to question of defence in time of war.)

2. Wavelength 25,850 metres is subject to modification in accordance with any International Agreement to which Canada may subscribe.

3. (a) If at any time the Government desires the licensee to instal special apparatus for naval or military working, the licensee agrees to instal the same at cost.

(b) Should the Government require the use of the licensed station for a short period, say, one half hour once a week, for the purpose of exercising the procedure to be used in time of national emergency or war, the licensee agrees to co-operate with the Government and to permit the use of the station and staff at a nominal charge during such period, it being understood that such periods will be arranged so as not to interfere with the normal commercial operation of the station.

15852

No. 77.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.30 p.m., 6th April, 1923.)

TELEGRAM.

[Answered by No. 79.]

AMERY has asked that following personal message from him as Chairman of Imperial Communications Committee may be communicated to your Prime Minister:

Begins: You will have seen that British Government has decided that while no longer excluding private companies from inter-Empire wireless traffic from this country it will still proceed with immediate erection of its own station capable of communicating effectively with every part of the Empire as we consider it preferable from Imperial defence point of view as well as for promotion of real competition not to rely exclusively on a particular commercial organization. Recent statement of New Zealand Postmaster-General suggests possibility that you may also be contemplating erection of Government station of sufficient power to communicate direct with us. Such station would, of course, also be able to communicate with rest of Empire and world, including any station that Pacific Cable Board may decide to erect in Canada to supplement Pacific Cable. I have asked our experts to estimate cost and capacity of such a station in case this may be of use to you in considering the matter, and, if you should decide to construct your own station, we should readily place any special knowledge or experience of our own at your disposal.

Estimate for New Zealand station with four eight-hundred-foot masts, capable of giving outward service averaging eight thousand words of five letters per normal day, is capital cost one hundred and sixty thousand pounds, annual charges fifty-five thousand. Station with eight masts, giving average twelve thousand words, would cost two hundred and eighty thousand pounds initial outlay, and seventy thousand annual charges. Capital cost excludes cost of land and residences, but assumes separate steam plant and might be reduced by utilization local electricity supply or water power. Annual charges cover interest and amortization of capital as well as salaries, wages, fuel, etc. Estimate of words includes service messages and repeats. Additional initial outlay of, say, five thousand would enable four-mast station to be so arranged as to be capable of easy extension to eight-mast station, and this might be best policy, extending when development of traffic warrants.

Am informed that general conditions for wireless in New Zealand favourable. We could get through satisfactorily to you for about sixteen hours per day, Canada likewise. Reception here and in Canada from New Zealand would be not quite so good, particularly in English afternoon, but New Zealand communication with India and South Africa would be best during English afternoon and evening hours, thus enabling convenient adjustment of traffic. Should be grateful for early reply as to your plans. *Ends.*

14596

No. 78.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 139.)

[MY LORD,] [SIR,]

Downing Street, 18th April, 1923.

WITH reference to my telegram of the 6th of March,* on the subject of Imperial wireless communications, I have the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that the Government of India is now free to make its own arrangements in regard to long-distance wireless telegraphy.

2. In communicating with the Government of India the Secretary of State for India has expressed the hope that, in view of the decision of His Majesty's Government to proceed at once with the erection of a high-power Government station in this country which will be available for commercial as well as for Government traffic, the Government of India will take steps to ensure that any private enterprise to which the erection of a high-power station in India may be entrusted shall be under an obligation to receive at that station traffic sent from Government stations in this country, if so required, and to send acknowledgments, requests for repetition and other usual service matter, in connexion with such traffic, whether received by the privately-owned station in India or otherwise, upon reasonable terms.

I have, &c.,

DEVONSHIRE.

21087

No. 79.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.15 a.m., 27th April, 1923.)

TELEGRAM.

[Answered by No. 80.]

26TH APRIL. Your telegram 6th April.† My Prime Minister has informed me that New Zealand Government not committed to any Company nor yet decided

* No. 73.

† No. 77.

upon a final policy in relation to establishment of high-power wireless telegraph station. As proposal to construct its own station would probably prove most economical and give greatest freedom of operation, my Government favourably disposed to such a course and would appreciate fuller details by post. Nothing definite being done until such further information received.—JELlicoe.

22099

No. 80.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 8.15 p.m., 1st May, 1923.)

TELEGRAM.

[Answered by No. 82.]

FOLLOWING (Personal) from Amery for your Prime Minister:—

Begins: Forwarding details asked for. Hope I may assume meanwhile that, whatever policy New Zealand Government eventually decides upon with regard to its high-power wireless station, it would wish that station to communicate with British Government high-power station in this country. *Ends.*

22105

No. 81.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.20 p.m., 11th May, 1923.)

TELEGRAM.

Your telegram 22nd March.* Every effort being made to press forward construction of new Government station in this country with all speed, but Postmaster-General doubts whether station of such power, whether constructed by Government or private company, can be completed in less than eighteen months. Orders for masts just placed, but, as time required for construction and erection of masts about twelve months, it seems clear whole station cannot be completed in that time. Postmaster-General considers eighteen months a safe estimate.

Power of station not finally settled, but Postmaster-General is advised that, in any case, it will be capable of maintaining a service with Australia as good as that specified in Commonwealth Agreement with Amalgamated Wireless, and station will be designed with this object in view. It had been contemplated that rates for public traffic with Dominions handled by Government station should be three-quarters of corresponding cable rates, but Postmaster-General would have no objection to adoption of the lower rates, viz., two-thirds of existing cable rates proposed in Commonwealth Agreement provided Commonwealth Government can see their way to reduce existing Commonwealth terminal rate of 5d. per word correspondingly.

As His Majesty's Government are confident that proposed Government station here will fulfil requirements as set out in Clause 12 of Commonwealth Agreement, they would strongly urge Commonwealth Government to use it as the "corresponding station" contemplated in Agreement. If Commonwealth Government agree to this, His Majesty's Government would be prepared to reserve use of station here for such periods as may be required for dealing with Australian traffic, and to carry such traffic with all possible expedition.

Postmaster-General desires to point out that existence of State-owned cable route between this country and Australia would facilitate co-operation between cable and wireless services with a view to obviating delay when conditions for wireless exceptionally unfavourable.—THOMAS.

* No. 75.

34477

No. 82.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.50 a.m., 10th July, 1923.)

TELEGRAM.

10TH JULY. Wireless telegraph station in New Zealand. In reply to your telegram of 1st May,* Prime Minister asks that you and Amery may be informed that, whatever policy New Zealand Government decides upon, it will wish the proposed station to be capable of communicating with the Government high-power stations in Great Britain.—JELICOE.

34951

No. 83.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 270.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 21st July, 1923.

WITH reference to my despatch Dominions No. 207 of the 8th of June,† I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, the accompanying copy of a Parliamentary Question and Answer, dated the 17th of July, regarding applications for licences to erect a high-power wireless station in this country.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 83.

HOUSE OF COMMONS.

(17th July, 1923.)

MR. BECKER asked the Postmaster-General the name of the company which has applied for a licence to build a high-powered wireless station in this country in connexion with the Empire wireless chain; will this company have the same chances of obtaining a licence as the Marconi Company, or will a certain preference be shown to the latter company owing to their having held previous licences?

SIR L. WORTHINGTON-EVANS: The company in question is the Eastern Telegraph Company. It will have the same chances of obtaining a licence as the Marconi Company, so far as His Majesty's Government are concerned. The question of corresponding stations in India or the Dominions would be one for the Government concerned.

* No. 80. † 27923: not printed; it enclosed copies of a statement in House of Commons Official Report of 28th May giving particulars of high-power stations in the United States of America, France, Germany and Great Britain.

36574

No. 84.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 85 and 87.]

(Canada.	} Dominions No. 285. Confidential.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 1st August, 1923.

WITH reference to [Your Excellency's despatch No. 132 of the 20th of March, my telegram of the 6th of March,*] [my telegram of the 11th of May,†] [Your Excellency's telegram of the 10th of July,‡] [my telegram of the 6th of March,§] and previous correspondence regarding wireless communications within the Empire, I have the honour to request [Your Excellency,] [Your Royal Highness,] [you,] to inform your Ministers that His Majesty's Government have recently had under consideration the question of communications between high-power wireless stations and vessels of the Mercantile Marine, and have come to the conclusion that it is very desirable that stations whose normal wave length may exceed 20,000 metres should also be capable of transmitting, on a wave not exceeding 20,000 metres, messages which could be received by vessels of the Mercantile Marine in time of emergency such as war, strained foreign relations, or disaster at sea.

2. His Majesty's Government would, therefore, be glad if your Ministers would consider the advisability of making provision of this nature in connexion with any high-power wireless station, whether Government-owned or otherwise, which has been or may be erected in [Canada,] [the Commonwealth of Australia,] [New Zealand,] [the Union of South Africa,] [Newfoundland,] and they would suggest that, in the case of high-power stations operated by commercial companies, such provision might be included as a condition in any licence issued.

I have, &c.,

DEVONSHIRE.

45955

No. 85.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17th September, 1923.)

(Confidential.)

MY LORD DUKE,

Government House, Ottawa, 7th September, 1923.

WITH reference to Your Grace's Confidential despatch Dominions No. 285 of the 1st August,|| stating that His Majesty's Government have recently had under consideration the question of communications between high-power wireless stations and vessels of the Mercantile Marine, and have come to the conclusion that it is very desirable that stations whose normal wave length may exceed 20,000 metres should also be capable of transmitting on a wave not exceeding 20,000 metres messages which could be received by vessels of the Mercantile Marine in time of emergency, such as war, strained foreign relations or disaster at sea, I have the honour to inform you that the Department of Marine and Fisheries concurs in the suggestion, and it is proposed to include a provision to this effect in all new licences and renewals.

I have, &c.,

BYNG OF VIMY.

* Nos. 76 and 73.

† No. 81.

‡ No. 82.

§ No. 78.

|| No. 84.

49087

No. 86.

LETTER SENT TO [THE RIGHT HONOURABLE W. L. MACKENZIE KING, C.M.G.] [GENERAL THE RIGHT HONOURABLE J. C. SMUTS, K.C., C.H.] ON THE 3RD OCTOBER, 1923, SIGNED BY POSTMASTER-GENERAL.

I AM anxious to explain to you the present situation in regard to the Imperial Wireless Scheme. The question will come up in the course of the Imperial Economic Conference, but for reasons which will appear later I am anxious that you and [General Smuts] [Mr. Mackenzie King] should know without delay how matters stand.

As you are aware, it was the original idea of the late Government that the wireless services between Great Britain and the rest of the Empire (as distinct from those between Great Britain and foreign countries), should be owned and worked by the State; and when the Dominions and India found themselves unable to co-operate on these lines, the Imperial Government still proposed that the stations in this country devoted to Empire communication should be State-owned.

Mr. Bonar Law's Government, however, decided to admit private enterprise to such communication, while at the same time proceeding as quickly as possible with the erection of the super-power Government station, which (in addition to the existing Government station near Oxford) is also destined to take part in Empire services. This new station will be situated near Rugby. It is making good progress, and we hope that it will be completed in about twelve months' time.

Meanwhile we have been in negotiation with the Marconi Company as to the issue to them of licences for both Empire and foreign communication. One of the principal points before us has been the necessity of securing a reasonable load of traffic for the Government station. To carry on a communication service requires, of course, a station at each end of the "line"; and our difficulty has been that, for the present at least, the distant stations will mostly be controlled by the Marconi Company. Hence some sort of arrangement has been necessary with them to ensure that the Government station will have distant stations with which to communicate.

The Company at first proposed that the Empire services should be pooled between themselves and the Government, the Company providing two new super-stations for this purpose and the Government one, and the revenue being divided roughly in the proportion of two to one. After considerable negotiation, a scheme was threshed out, the outline of which I announced to the House of Commons on the 24th July last—see the accompanying extract from my speech. Formal agreements to give effect to this scheme were subsequently drafted; and there was no reason, so far as the Post Office was concerned, why these should not have been signed within a few days, when Mr. Isaacs and Mr. Marconi called to see me on the 17th September, and unexpectedly announced that they could not proceed with the pooling arrangement unless the proposed working of the Empire stations from the General Post Office by Government operators—which the Government had regarded as an essential part of the scheme—was abandoned.

The Company offered as an alternative to give facilities at their distant stations for communication with the Government stations here, with a view to indiscriminate competition between the Government service and that of the Company. This does not seem to us to be a very practicable proposition. If a station controlled by the Company in (say) [Canada] [South Africa] had to listen out for signals from two stations in this country, and to transmit to these two stations, the arrangement would be a wasteful one; and, moreover, the [Canadian] [South African] station, being financially interested to a greater extent in communication with the Marconi station here than in communication with the Government station, would be under a constant temptation to give preferential service to the former.

The arrangement which commends itself to us, and which we think is the best possible in the circumstances, is a "regional" allocation of traffic, under which the Government stations here would undertake the duty of communication with certain Dominions, while the Company would be licensed to carry on communication with others.

We at first proposed that the new Government station should communicate with India; but the Company were very much averse from this, as they see great financial possibilities in the Indian traffic. We then proposed that the Government

stations should communicate with Canada and South Africa; and the present position is that we have definitely offered a licence to the Company for communication with any station outside Europe with which they may make arrangements in that regard, except stations in Canada and South Africa. The Government would undertake communication with Canada and South Africa; and would reserve the right to carry on communication with any stations elsewhere in the Empire.

There are additional reasons which have actuated us in making this proposal. First, the value of the traffic with Canada and South Africa together is estimated roughly to be about one-half of that with India and Australia together, so that (at the outset at least) each party will benefit in the same ratio as under the proposed pool. Secondly, as regards Canada, we shall be able to work the wireless service in conjunction with the Imperial Cable Service, in such a way that one can help the other in case of need; while as regards South Africa, we have the assurance of the Union Government that they are only concerned that a suitable station in Great Britain—whether privately-owned or State-owned—shall be available for communication with the South African station as soon as the latter is ready.

I should be glad to know that our use of our licensing powers in the manner proposed will not be distasteful to your Government. I imagine that what [Canada] [South Africa] is mainly concerned about is that the wireless service with this country should be efficient and that the charges should be reasonably low. I can assure you that this is entirely in accordance with our own intentions. As above mentioned, our new station is making good progress, and so far as I can judge it will be completed well in advance of the new stations of the Marconi Company. It will have a power of 1,000 kilowatts, will embody the latest principles, and will, I am confident, be capable of giving a service second to none in the world.

Enclosure in No. 86.

EXTRACT FROM POSTMASTER-GENERAL'S SPEECH IN THE HOUSE OF COMMONS, ON THE POST OFFICE ESTIMATES, 24TH JULY, 1923. (COL. 268.)

"THE wireless telegraph services of the British Empire are to be conducted through stations provided by the Company and by the Government, respectively, in agreed proportions, the Company at the outset to provide two stations and the Government one station, apart from the existing stations at Leaffield and Carnarvon. The stations are to be maintained at the cost of the parties providing them. The revenue of the stations is to be pooled and divided between the Companies and the Government in agreed proportions, based upon the effective power of the stations contributed by each. The whole of the services are to be worked from the General Post Office by Government operators, and a proportionate part of the cost, including overhead charges, is to be charged against the Company. The unrouted traffic is to be allocated as between the cables and the wireless on the principle of the least delay at the transmitting point. The rates to be charged to the public are to be settled by mutual agreement. Whenever possible, the rates are to be lower than the cable rates. The Government has to have the power to admit other parties to the pooling arrangement provided that it is satisfied that they are able to provide a station of substantially equal efficiency, and the Government retains its right to license other parties to conduct wireless services without admitting them to the pool. The Government is to have the power of expropriation at specified intervals on terms to be agreed probably at the end of the first ten years, and subsequently at suitable periods."

54637

No. 87.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th November, 1923.)

(Confidential.)

MY LORD DUKE,

Government House, Wellington, 5th October, 1923.

WITH reference to your Confidential despatch Dominions No. 285 of the 1st August,* I have the honour to inform Your Grace that my Ministers advise me

* No. 84.

that consideration will be given to the advisability of making provision, as suggested by His Majesty's Government, in the case of any high-power wireless station which may be erected in New Zealand.

I have, &c.,
JELLICOE,
Governor-General.

Correspondence relating to the payment to the Government of Newfoundland of a tax in respect of the landing at Harbour Grace of one of the Imperial Cables.

24953

No. 88.

TREASURY to COLONIAL OFFICE.

(Received 17th May, 1923.)

SIR,

Treasury Chambers, 17th May, 1923.

I AM directed by the Lords Commissioners of His Majesty's Treasury to forward, for the information of the Secretary of State for the Colonies, the enclosed copy of a Report from the General Post Office with regard to the payment to the Newfoundland Government of a tax in respect of the landing at Harbour Grace of one of the Imperial Cables.

My Lords understand that the question of the policy to be followed, in regard to claiming Crown Exemption from taxation in respect of its commercial activities, is to be discussed at the forthcoming Imperial Conference. In these circumstances the Duke of Devonshire will no doubt agree that a decision on this case should if possible be deferred for the time being, and they will be glad if His Grace will cause such steps as he may consider necessary or desirable to be taken *vis-à-vis* the Newfoundland Government, with a view to keeping the question open until the contemplated general agreement has been achieved.

With reference to the last paragraph of the Postmaster-General's report, I am to request that the Secretary of State, if he sees no objection, will cause representations to be made to the Newfoundland Government with a view to the waiver of the Customs due in question.

I am, &c.,
G. L. BARSTOW.

Enclosure in No. 88.

SIR,

General Post Office, London, E.C.1, 6th April, 1923.

I AM directed by the Postmaster-General to state, for the information of the Lords Commissioners of the Treasury, that a question has arisen with regard to the payment to the Newfoundland Government of a tax in respect of the landing at Harbour Grace of one of the Imperial Cables.

The facts are as follows:—

Under the Newfoundland Telegraph Companies (Taxation) Acts of the 15th of June, 1905, and the 16th of May, 1918, a tax is payable to the Newfoundland Government in respect of all telegraphic cables landed in the Colony. As Their Lordships are aware, the Post Office bought a cable landing at Harbour Grace from the Direct United States Cable Company on the 5th of November, 1920. The cable was not at first worked by this Department, but was leased to the Western Union Cable Company until the 30th of June, 1922, since when the cable has been controlled and worked by the Post Office. The Government of Newfoundland have apparently made unsuccessful attempts to collect the tax in respect of the cable in question from the Direct United States Cable Company and from the Western Union Cable Company, and have now demanded payment of it from the Post Office as from the 1st of July, 1920. The amount in question is 8,000 dollars a year.

The Solicitor to the Post Office has advised that the Postmaster-General, as an officer of the Crown, is not bound by the Acts in question, the general principle that Statutes do not bind the Crown, unless by express words, being applicable to

Colonial Legislation. The only question, therefore, seems to be whether or not *ex gratia* payment should nevertheless be made; and on this question the Postmaster-General will be glad to receive Their Lordships' decision. It will of course be understood that no services are rendered by the Newfoundland Government in return for the payment, if any be made.

I am to explain that the position of the Newfoundland Government with regard to the Imperial Cables was discussed at an interview with the Newfoundland Premier, Sir Richard Squires, by Mr. Pike Pease (then Assistant Postmaster-General) in September last, when Sir Richard Squires pressed the claim for payment of the tax, emphasizing the point that the Imperial Cables are worked as ordinary commercial undertakings in competition with the routes of the American Cable Companies, and that if his Government waived the tax in the case of the Imperial Cable the Companies also might reasonably claim exemption.

The Newfoundland Government recently entered into an Agreement with the Commercial Cable Company for a period of 15 years, under which they agreed to hand to that Company all unrouted traffic handed in at Newfoundland Post Offices for Great Britain and countries beyond. This question was discussed with Sir Richard Squires, at the interview in question, when he said that the Newfoundland Government must keep faith with the Company; but that if (as is possible) this Department were able in connexion with the renewal of the Company's landing rights and other facilities in this country at the end of 1924, or in some other connexion, to induce them to agree to a modification of their rights under the Agreement with the Newfoundland Government, the latter Government would be willing to hand over a substantial part of the traffic in question to the Imperial route.

I am to add that Customs dues have had to be paid by this Department on stores sent to Newfoundland for the maintenance of its cable. When similar claims were made at Halifax the Colonial Office was good enough, at the Postmaster-General's request, to make representations to the Canadian Government which resulted in the waiver of the charges, and the Postmaster-General will be glad to know whether Their Lordships would wish similar representations to be made to the Newfoundland Government. On this point, also, as well as on the question of unrouted traffic, Sir Richard Squires held out hopes of a concession in favour of the Post Office.

I am, &c.,
G. E. P. MURRAY.

The Secretary,
Treasury.

24953

No. 89.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Confidential. (2).)

SIR,

Downing Street, 20th June, 1923.

I HAVE the honour to request you to bring to the notice of your Ministers a question which, as I am informed by the Postmaster-General, has arisen in connexion with a claim for the payment by him to the Newfoundland Government of a tax in respect of the landing at Harbour Grace of one of the Imperial Cables operated by the General Post Office on behalf of His Majesty's Government.

2. The cable in question was bought by the General Post Office in November, 1920, from the Direct United States Cable Company, and was leased to the Western Union Cable Company until the 30th of June, 1922. Since that date it has been controlled and worked by the General Post Office. It is understood that a claim is now made by the Newfoundland Government under the provisions of the Newfoundland Telegraph Companies (Taxation) Acts of 1905 and 1918, for payment by the Postmaster-General of tax at the rate of eight thousand dollars a year as from the 1st of July, 1920, in respect of the landing of this cable.

3. Leaving on one side any questions which may arise out of the ownership of the cable between the 1st of July and the 5th of November, 1920, and the fact that up to the 30th of June, 1922, the cable was leased to a Commercial Company, it appears to His Majesty's Government that this claim conflicts with the general

principle that Statutes do not bind the Crown unless by express words. Your Ministers will, however, be aware that the question of the policy to be followed in regard to the taxation of State-owned or controlled economic enterprises, is to form one of the subjects for discussion at the forthcoming Imperial Economic Conference (see in this connexion my predecessor's Confidential despatch Dominions No. 180 of the 7th of June, 1922,* and my telegram of the 11th of June†), and in the circumstances I would suggest, for your Ministers' consideration, that it would be desirable for the particular question of the payment of this claim to be kept open until a decision has been reached on the question of general policy.

4. The Postmaster-General further informs me that Customs dues have up to the present been levied by the Newfoundland Government on Stores sent to Newfoundland for the maintenance of this cable, and that this matter was discussed semi-officially with your Prime Minister when he was in this country in September last. Unless your Ministers would prefer to postpone this question also until after discussion has taken place at the Economic Conference, I would ask them to consider the possibility of granting waiver of Customs charges on Stores sent to Newfoundland for the maintenance and working of the Imperial Cable Station at Harbour Grace. I may add in this connexion that a similar concession has been made by the Canadian Government in respect of Stores, etc., sent to the Imperial Cable Station at Halifax.

I have, &c.,
DEVONSHIRE.

61854

No. 90.

GENERAL POST OFFICE to TREASURY.

(Received in Colonial Office, 21st December, 1923.)

[Answered by No. 91.]

SIR, General Post Office, London, E.C.1, 10th December, 1923.
I AM directed by the Postmaster-General to refer to the letter from this Office dated the 6th April last,‡ and the Treasury communication of the 7th May,§ with regard to a claim by the Government of Newfoundland for payment by this Department of a tax in respect of the landing at Harbour Grace of one of the Imperial Cables.

I am to state, for the information of the Lords Commissioners, that the Prime Minister of Newfoundland is pressing for a settlement of this claim. As Their Lordships are aware, the position is affected by the relative resolution passed by the Imperial Economic Conference; but it is not clear precisely how the agreement not to make the proposed legislation retrospective bears on the claim in question which is in respect of the period commencing 1st July, 1920, and the Postmaster-General would be glad to receive Their Lordships' instructions as to the answer to be given to the Newfoundland Government.

I am, &c.,
G. E. P. MURRAY.

61854

No. 91.

TREASURY to GENERAL POST OFFICE.

(Received in Colonial Office, 21st December, 1923.)

SIR, Treasury Chambers, 21st December, 1923.
I HAVE laid before the Lords Commissioners of His Majesty's Treasury your Report of 6th April‡ and 10th instant|| relative to a claim by the Government of Newfoundland for payment of a tax in respect of the landing at Harbour Grace of one of the Imperial Cables.

Their Lordships do not regard the understanding reached at the Imperial Economic Conference, that the proposed legislation regarding the taxation of State commercial enterprises will not be applied retrospectively, as having any direct bearing on the present claim, and I am to convey to you their authority to make an *ex gratia* payment to the Newfoundland Government of landing tax as

* No. 162 in Dominions No. 83. † Reminder; see Note on page 86; not printed. ‡ Enclosure in No. 88. § Not printed, but see No. 88. || No. 90.

claimed in respect of the period from 1st July, 1922, when you assumed operating control of the cable.

My Lords are not satisfied that a claim lies against your Department for tax in respect of the period 1st July, 1920,—5th November, 1920, when the cable was owned by the Direct United States Cable Company, or in respect of the period 5th November, 1920,—1st July, 1922, when it was leased by the Western Union Cable Company. A decision in regard to the latter period would appear to depend on the terms of the relevant lease.

I am, &c.,
G. L. BARSTOW.

Naval Wireless Telegraph Station at St. John's, Newfoundland.

8484

No. 92.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 94.]

(Confidential.)

MY LORD, Downing Street, 6th March, 1924.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a Memorandum prepared in the Admiralty regarding the future of the Naval Wireless Telegraph Station at St. John's, Newfoundland.

2. For the reasons explained in the first three paragraphs of the Memorandum, the Lords Commissioners of the Admiralty are anxious that the question of the future of the St. John's Station should be settled in the very near future, and, pending the reply of the Newfoundland Government, to whom a copy of the Memorandum has been forwarded, their Lordships would be grateful to learn, at your Ministers' early convenience, whether, in the event of the St. John's Station being dismantled, the proposed Wireless Telegraph Station at Geiser's Hill, Nova Scotia, would, in time of war or emergency, be capable of carrying out the work summarized in the sixth paragraph of the Memorandum, and if so, whether arrangements could be made for it to become available for this purpose.

I have, &c.,
J. H. THOMAS.

Enclosure in No. 92.

(M. 01635.)

FUTURE OF NAVAL WIRELESS TELEGRAPH STATION AT ST. JOHN'S, NEWFOUNDLAND.

THIS station is at present in the charge of a Care and Maintenance Party. A portion of the Care and Maintenance Party is now due for relief, and the Admiralty do not wish to incur the expense of sending out the reliefs if the station is not going to be further required.

2. Moreover, the plant on the station is nearly obsolete, and if the station is to be of use in time of war it must at some near date be modernised.

3. The station is not a necessity to the Admiralty in time of peace, since sufficient facilities are provided on the station by commercial shore Wireless Telegraph Stations. The Admiralty therefore would not be justified in incurring the expense of keeping the station open in time of peace.

4. The Government of Newfoundland have been asked whether they are prepared to take the station over and bring it up to date, but no reply has been received.

5. If the reply of the Newfoundland Government were in the negative the Admiralty need for the station in time of war or emergency would depend upon whether a suitable alternative station was available in Canada.

6. The Admiralty need a station in these waters in war or emergency to:—

(a) Work with His Majesty's Ships on waves between 1,850 and 3,400 metres at ranges up to 2,000 miles.

- (b) Work with armed merchant cruisers (escort) on similar waves at similar ranges.
- (c) Carry out point to point work with Bermuda, on any convenient wave, in the event of breakdown, overload, or cutting of the Direct West India Cable.
- (d) Transmit by "I" (intercept) method service to ships, in conjunction with Bermuda.

The number of hours per day devoted to such services would depend on the theatre of war, and would vary from time to time. Under the worst conditions, a full time service might be required for working with the Navy.

7. Inquiries made of the Director of Naval Service of Canada when in this country indicated that the proposed station in Nova Scotia (which, it is understood, is to be erected at Geiser's Hill) could carry out these duties.

8. If, therefore, the Canadian Government can confirm that the Geiser's Hill Station will be able to carry out these duties and can undertake that it will be available for the purpose, the Admiralty would have no further need for the station at St. John's in time of war. In the case, therefore, of the Newfoundland Government not requiring St. John's Station, the Admiralty would, as soon as Geiser's Hill Station is ready, dismantle the station at St. John's, withdrawing the Care and Maintenance Party, and dispose of the buildings, mast and plant.

9. The Admiralty, therefore, desire from the Newfoundland Government a reply to the inquiry addressed to them as to whether they wish to take over the St. John's Wireless Telegraph Station. The Admiralty also desire from the Canadian Government information as to whether the Geiser's Hill Wireless Telegraph Station would in time of war or emergency be capable of and available to carry out the work summarized in paragraph 6 above.

8484

No. 93.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Confidential.)

SIR,

Downing Street, 6th March, 1924.

WITH reference to Mr. Churchill's despatches No. 27 of the 8th of February, 1922, and No. 119 of the 8th of August, 1922,* regarding the suggested transfer of the Naval Wireless Telegraph Station at St. John's to the Newfoundland Government, I have the honour to transmit to you, to be laid before your Ministers, a copy of a Memorandum† prepared in the Admiralty regarding the future of that station.

2. For the reasons explained in the first three paragraphs of the Memorandum, the Lords Commissioners of the Admiralty are anxious that this question should be settled in the very near future, and I should therefore be grateful to be informed at the earliest possible date whether your Ministers desire that the station should be transferred to the Newfoundland Government on the conditions laid down in Mr. Churchill's despatch No. 27 of the 8th of February, 1922.

3. A copy of the enclosed Memorandum is being sent to the Governor-General of Canada with a request for the observations of the Canadian Government on the suggestions regarding the Wireless Station at Geiser's Hill, Nova Scotia.

I have, &c.,

J. H. THOMAS.

20609

No. 94.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1st May, 1924.)

[Answered by No. 95.]

(Confidential.)

SIR,

Government House, Ottawa, 17th April, 1924.

WITH reference to your Confidential despatch of the 6th March† in regard to the inquiry of the Admiralty as to whether, in the event of the St. John's Naval

* Nos. 61201 and 37795: not printed; they referred to a proposal that the Newfoundland Government should take over and operate the St. John's station. † Enclosure in No. 92. ‡ No. 92.

Wireless Telegraph Station being dismantled, the proposed station at Geiser's Hill would be capable of carrying out certain indicated work, I have the honour to inform you that the matter has been considered in the Department of National Defence, and of Marine and Fisheries, and the views of these two Departments are set forth in a letter from the Department of the Secretary of State for External Affairs, a copy of which I enclose herewith.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 94.

FROM DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

(Confidential.)

SIR,

Ottawa, 9th April, 1924.

WITH reference to the Confidential despatch to His Excellency from the Secretary of State for the Colonies, dated 6th March, 1924, in regard to the inquiry of the Admiralty whether, in the event of the St. John's Naval Wireless Telegraph Station being dismantled, the proposed station at Geiser's Hill would be capable of carrying out certain indicated work, I have the honour to state that the matter has been considered in the Department of National Defence, and of Marine and Fisheries.

The Department of National Defence explains that all Wireless Telegraph Shore Stations in Canada are operated under an agreement whereby the Canadian Government may assume control in time of emergency, and it is stated that the station at Geiser's Hill will, therefore, when completed, be able to carry out the duties enumerated in the Admiralty memorandum. A report,* however, is submitted, a copy of which is enclosed, showing that no work on the transatlantic leg has been commenced, so that it is doubtful when the station will be in a position to commence working with Great Britain or Bermuda. It is further suggested that the Marconi Company has a station in operation at Louisburg, which could fulfil Admiralty requirements, and which could be taken over by the Government of Canada in time of emergency.

The proposal to use the radio station which the British United Press are licensed to install and operate at Geiser's Hill does not commend itself to the Department of Marine and Fisheries, which points out that this licence has now been issued for a year, and that little or no progress has been made with the erection of the station. Existing plans apparently contemplate an equipment of only three masts, each 80 feet high, and a 10 k.w. tube transmitter. It is suggested as an alternative proposal that there are now in operation by the Marconi Wireless Telegraph Company of Canada at Glace Bay, Cape Breton Island, four transmitters, as follows:—

1. "GB" tube, 7,600 metres, 50 k.w. transatlantic.
2. "DO" tube, 3,000 metres, 15 k.w. Inter-station Montreal.
3. "VAS" (No. 1) tube, 2,200-2,800 metres, 6 k.w. Long-distance ships.
4. "VAS" (No. 2) tube, 2,200-2,800 metres, 10 k.w. Long-distance ships.

Under Canadian regulations the Dominion Government has power to take over and use any radio stations in time of emergency, subject to payment of reasonable compensation. All the above stations are in first-class working order and have trained personnel. The range of "VAS" (No. 2) is approximately 1,500 miles, and that of "DO" approximately 2,000 miles, over water. The k.w. capacity mentioned above is in-pot to the tube plates. The antennas are supported on standard Marconi masts, about 400 feet in height. It is intimated that, if the Admiralty is of opinion that one of these stations might meet with its requirements, the Department of Marine and Fisheries would be pleased to discuss the question with the licensees, the Marconi Wireless Telegraph Company of Canada, Limited, and see what arrangements could be made.

I am to request that His Excellency may be humbly moved to communicate the views of these two Departments as above expressed to the Secretary of State for the Colonies.

I have, &c.,

W. H. WALKER,

'Acting Under-Secretary of State for External Affairs.

* Not printed.

25898

No. 95.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.15 p.m., 18th June, 1924.)

TELEGRAM.

[Answered by No. 97.]

18TH JUNE. Confidential. Your despatch 17th April, Confidential.* Admiralty concur in suggestion that Marconi Stations at Glace Bay could be used as substitute in time of war for existing station at St. John's. Stations using call signs DO, VAS (No. 1) and VAS (No. 2) seem best suited for Admiralty requirements. Lords Commissioners of Admiralty inquire whether Canadian Government would be willing to accept responsibility for taking over, operating and using appropriate Glace Bay Stations in time of war or emergency for the purposes stated in Admiralty memorandum enclosed in my despatch 6th March, Confidential,† including responsibility for payment of any compensation which may prove necessary. If such assurance can be given, provided that Newfoundland Government do not express wish to take over St. John's Station, Admiralty propose to take steps for dismantling latter. In order to complete this work before next winter, necessary that it should be put in hand at earliest possible date. Admiralty, therefore, would be glad to receive very early reply.—SECRETARY OF STATE FOR THE COLONIES.

25898

No. 96.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 3.15 p.m., 18th June, 1924.)

TELEGRAM.

[Answered by No. 100.]

18TH JUNE. Confidential. My despatch 6th March, Confidential.‡ Naval Wireless Telegraph Station, St. John's. Lords Commissioners of Admiralty understand that suitable alternative station capable of fulfilling requirements in time of war or emergency exists in Canada, and Canadian Government have been asked to give assurance that this station can be made available when required. If such assurance forthcoming, unless in the meantime Newfoundland Government have expressed wish to take over St. John's Station, Admiralty propose to take immediate steps to close down latter, as indicated in paragraph 8 of memorandum enclosed with my despatch 6th March.‡—SECRETARY OF STATE FOR THE COLONIES.

34015

No. 97.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.17 a.m., 17th July, 1924.)

TELEGRAM.

[Answered by No. 98.]

16TH JULY. Confidential. Your telegram of 18th June, Confidential.§ My Ministers represent that Department of National Defence is prepared under Section 13 of the Radio Telegraphic Act to take over, operate and use appropriate Glace Bay Marconi Station in time of war or emergency as substitute for station at St. John's, Newfoundland. Department of Marine and Fisheries also concur in proposal and will discuss the matter with the Marconi Company with a view to making tentative arrangements in this connexion.—BYNG.

* No. 94.

† No. 92.

‡ No. 93.

§ No. 95.

39144

No. 98.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.0 p.m., 19th August, 1924.)

TELEGRAM.

19TH AUGUST. Your telegram 16th July, Confidential.* His Majesty's Government much appreciate assurance given by Canadian Government that they will be prepared to take over and operate appropriate Glace Bay Marconi Station in time of war or emergency, and Lords Commissioners of Admiralty are proceeding to take necessary steps for dismantling wireless station, St. John's, Newfoundland.—SECRETARY OF STATE FOR THE COLONIES.

39144

No. 99.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 4.20 p.m., 19th August, 1924.)

TELEGRAM.

19TH AUGUST. My telegram 18th June, Confidential.† Assurance given by Canadian Government that suitable stations in Canada can be made available for Naval purposes in time of war or emergency. In the circumstances, Admiralty are proceeding to take necessary steps for dismantling St. John's Wireless Station.—SECRETARY OF STATE FOR THE COLONIES.

41899

No. 100.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9.15 p.m., 2nd September, 1924.)

TELEGRAM.

2ND SEPTEMBER. Confidential. Your telegram dated 18th June,‡ your telegram dated 19th August.‡ Ministers state that they are not interested in continuation of Naval Wireless Station at St. John's, Newfoundland.—ALLARDYCE.

* No. 97.

† No. 96.

‡ No. 99.

227

578

SECTION XI.: EMPIRE PATENT.

The Committee recommend that a Conference of representatives of the Patent Offices of His Majesty's Dominions shall be held in London at an early date to consider the practicability of instituting a system of granting Patents which should be valid throughout the British Empire.

(See pages 100-104 of Dominions No. 83: also page 260 below.)

47656

No. 101.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 28th September, 1923.)

(No. 219.)

MY LORD DUKE,

Government House, Wellington, 17th August, 1923.

WITH further reference to Mr. Churchill's despatch, Dominions No. 300 of the 18th August, 1922,* and in continuation of my despatch No. 294 of the 24th October, 1922,† on the subject of the Report of the British Empire Patent Conference, I have the honour to inform Your Grace that my Ministers advise me that, having considered such Report and the views expressed thereon and embodied in the accompanying memorandum‡ by the New Zealand Delegate, the Government of New Zealand is favourable to the adoption of the "Provisional Scheme" referred to.

2. As, however, the success of the "Scheme" depends in a great measure on the extent of its acceptance throughout the Empire, my Ministers would be glad to be informed of the views of the Governments of the other parts of His Majesty's Dominions before the New Zealand Government comes to a definite decision in the matter.

I have, &c.,

JELLICOE,
Governor-General.

* No. 129 in Dominions No. 83.

† No. 131 in Dominions No. 83.

‡ Not reprinted: New

Zealand Parliamentary Paper No. H.10A of 1923.

V.

VALIDITY OF INTERNATIONAL MARRIAGES.

(See page 114 of Dominions No. 83.)

7881

No. 102.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 133.)

MY LORD,

Downing Street, 6th April, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 381 of the 4th of October* regarding the validity of marriages contracted between Australians and foreigners, and to request you to inform your Ministers that the question of the validity of marriages between British subjects and foreigners has on many occasions in the past formed the subject of consideration by His Majesty's Government.

2. As regards such marriages contracted in foreign countries according to the *lex loci*, it has long since been found necessary, in order to satisfy the requirements of foreign marriage laws, to authorize His Majesty's consular officers to issue certificates in individual cases, varying from a statement that the publication of banns in this country is not required in the case of such marriages, to statements that the parties, having gone through the antecedent formalities required by law for enabling them to be married at His Majesty's consulate under the provisions of the Foreign Marriage Act, 1892, there is no obstacle to the celebration of their marriage. Certificates according to the particular requirements of the foreign law concerned have, in this way, for a good many years past, been issued by His Majesty's consular officers in France, Belgium, Germany, Switzerland, Italy, Hungary and Sweden. On the other hand, in the case of marriages contracted in this country the French Government have since 1904 authorized French consular officers in this country to issue certificates to French citizens marrying British subjects to the effect that the formalities of French law have been complied with: while in the case of Belgium, by an agreement of November, 1888, a similar certificate is issued by the Belgian Legation.

3. Under the provisions of the Foreign Marriage Act, 1892, and of the Foreign Marriages Order in Council, 1913, His Majesty's consular officers are in many cases empowered to solemnize marriages between parties of whom one is a British subject. This Act and Order in Council form the subject of Chapter XXX of the Consular Instructions. In this connexion reference is invited to Viscount Milner's despatch Dominions No. 506 of the 17th of December, 1920,† and connected correspondence, as to officers who are empowered to issue the certificates required by Article 10 of the Foreign Marriages Order in Council, 1913. I enclose a copy of a printed memorandum, which, while summarizing in a convenient form the formalities to be observed under the Act and Order in Council, exhibits also information which has been compiled as regards foreign *lex loci* marriages and marriages between British subjects and various classes of foreigners. Copies of this memorandum were forwarded in the late Viscount Harcourt's despatch No. 468 of the 30th of July, 1914.‡

4. On 29th November, 1906, "The Marriage with Foreigners Act, 1906" (6 Edward VII, chapter 40) was passed. This Act in section 1 provides that any British subject desiring to be married in a foreign country to a foreigner according to the law of that country may give notice to the Registrar, or, if abroad, to the marriage officer (i.e., His Majesty's consular officer) and apply for a certificate that after proper notices have been given no legal impediment to the marriage has been shown to exist. In section 2, as regards marriages in the United Kingdom, it is provided that, where arrangements have been made with a foreign country for the issue by the proper officers of that country of certificates that after proper notices have been given no impediment according to the law of that country has been shown

* No. 148 in Dominions No. 83.

† Not printed: for substance see above.

to exist, His Majesty may by Order in Council require the production of such certificate before the marriage can be solemnized. Section 3 provides for the issue of an Order in Council making general regulations prescribing the forms to be used, etc.

5. After the passing of this Act a considerable correspondence, which extended over several years, took place with foreign governments with a view to ascertaining the possibility of giving effect, in the case both of sections 1 and 2 of the Act, to the arrangements contemplated. While it was found that in the case of some countries a certificate of the nature contemplated by section 1 was unnecessary, and that, in the case of some, no arrangements of the nature contemplated by section 2 were possible, the correspondence showed that in the case of a number of foreign countries such arrangements were possible, though the requirements of the various foreign laws created difficulties as to the forms of certificates which would be required. Concurrently with this correspondence His Majesty's Representatives abroad were instructed to obtain and communicate to the Foreign Office the texts of the marriage laws of foreign countries, with a view to a more complete study of the question, and these laws as received were translated, and have been published in Parliamentary Paper Miscellaneous No. 11, 1911 (Cd. 5993) of which a copy is enclosed.

6. As the outcome of the correspondence referred to above, the preparation of the form of certificate to be given by the Registrar (and *mutatis mutandis* by His Majesty's consular officers) under section 1 of the Act of 1906 was commenced, but various difficulties have so far delayed its completion. When this has been done it will be possible again to approach foreign governments in the matter and to endeavour to bring about the further arrangements contemplated under section 2 of the Act.

7. It is noted that Ministers suggest that the matter might be discussed at an Imperial Conference, and a copy of the correspondence is accordingly being sent to the other Dominions and to the Secretary of State for India.

I have, &c.,

DEVONSHIRE.

7881

No. 103.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. No. 158.)

(New Zealand. No. 72.)

(Union of South Africa. No. 85.)

(Newfoundland. No. 48.)

[MY LORD,] [SIR,]

Downing Street, 7th April, 1923.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, the accompanying copy of correspondence* with the Governor-General of the Commonwealth of Australia on the subject of the validity of marriages between British subjects and foreigners.

I have, &c.,

DEVONSHIRE.

14517

No. 104.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 275.)

SIR,

Downing Street, 11th May, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of correspondence* with the Governor-General

* No. 148 in Dominions No. 83 and No. 102.

of the Commonwealth of Australia on the subject of the validity of marriages between British subjects and foreigners.

I have, &c.,

DEVONSHIRE.

580

Secretariat Note.—This question was discussed at the Imperial Conference, 1923 (Section XVII of Cmd. 1987): it was decided that, in view of the action being taken in the Foreign Office and Home Office on the matter, it was unnecessary for the Conference to make any recommendation on the subject.

VI.

LIABILITY OF DOMINION AND FOREIGN GOVERNMENTS TO UNITED KINGDOM TAXATION.

(See pages 115-128 of Dominions No. 83, and pages 293-298 below.)

4083

No. 105.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 23rd January, 1923.)

(Confidential.)

MY LORD DUKE, Government House, Sydney, 5th December, 1922.

WITH reference to Dominions despatch No. 217, Confidential, of the 29th June last,* regarding the legal position of the United States Shipping Board Emergency Fleet Corporation, I have the honour to state that Ministers inform me, after consideration of the question, that the Government of New South Wales is not prepared formally to waive any right it might have to tax freight earnings on such vessels, pending determination of the recommendation of the Committee appointed to consider questions arising in connexion with the liability of Dominion and Foreign Governments to United Kingdom taxation. It is not proposed, however, to assess and tax the profits on the Shipping Board vessels at present.

I have, &c.,

W. E. DAVIDSON,
Governor.

7529

No. 106.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12th February, 1923.)

(No. 75.)

MY LORD DUKE, Government House, Brisbane, 18th December, 1922.

IN reply to Mr. Winston Churchill's Confidential Dominions despatch No. 180, dated the 7th June, 1922,† asking for an expression of the views of Queensland Ministers on the final Report of the Committee which was appointed in May, 1921, to consider questions arising in connexion with the liability of Dominion and Foreign Governments to United Kingdom taxation, I have the honour to state that Queensland Government approves of the recommendations of the Committee, and if it becomes necessary to secure reciprocity will introduce the requisite legislation.

2. I have not sent a copy of this despatch to His Excellency the Governor-General.

I have, &c.,

MATTHEW NATHAN,
Governor.

* No. 167 in Dominions No. 83.

† No. 162 in Dominions No. 83.

11691

No. 107.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 11.10 p.m., 5th March, 1923.)

TELEGRAM.

5TH MARCH. Your despatch 7th June, Dominions No. 180, Confidential.* Ministers disinclined to make reply till after approaching general election. —ALLARDYCE.

12672

No. 108.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.20 a.m., 12th March, 1923.)

TELEGRAM.

12TH MARCH. Confidential. Your despatch of 7th June, Dominions No. 180.* Colwyn Committee Report. Commonwealth Government of opinion that proposals of Committee should be agreed to.—GOVERNOR-GENERAL.

36248

No. 109.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 25th July, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, copies of the final Report,† dated the 20th April, 1922, of the Committee which was appointed in May, 1921, to consider questions arising in connexion with the liability of Dominion and Foreign Governments to United Kingdom taxation.

2. The subject of this Report is, as your Ministers will be aware, on the Agenda for the forthcoming Imperial Economic Conference, but they will no doubt be glad of an opportunity of considering the recommendations of the Committee beforehand; and His Majesty's Government, for their part, would welcome an expression of your Ministers' views before the meeting of the Conference.

3. It will be observed that the Report has not yet been published, and is therefore still confidential.

I have, &c.,

DEVONSHIRE.

41248

No. 110.

TASMANIA.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 18th August, 1923.)

(Confidential.)

MY LORD DUKE, Government House, Hobart, Tasmania, 5th July, 1923.

WITH reference to your predecessor's Confidential despatch Dominions No. 180, of the 7th June, 1922,* I have now the honour to forward a copy of a

* No. 162 in Dominions No. 83.

† Not reprinted: copies with 25347/22.

despatch which I have received from my Premier dealing with the liability of Dominion and foreign Governments to United Kingdom taxation.

In view of the delay, the essential portion of the despatch was cabled to-day.

I have, &c.,

HERBERT NICHOLLS,
Administrator.

(A copy of this despatch has not been sent to the Governor-General.)

Enclosure in No. 110.

(Confidential.)

YOUR EXCELLENCY,

26th June, 1923.

I HAVE the honour to inform you, in connexion with the Secretary of State's Confidential despatch No. 180 of the 7th June, 1922, that consideration has been given to questions arising from a report furnished by the Colwyn Committee appointed to consider the subject of liability of Dominion and foreign Governments to United Kingdom taxation.

These questions, it is thought, involve certain considerations of policy, but as regards the legal aspect of the matter, your Ministers desire to rest upon the opinion of the 15th June, 1921, expressed by eminent law officers of the United Kingdom, which was to the effect that Dominion property in Great Britain, except where it is in the occupation of private individuals as tenants, and Dominion Government trading agencies, in respect of their profits there, are exempt from British Income Tax or British Excess Profits Duty.

Your Ministers very much regret the delay which has occurred in acquainting you with the views of the Government upon this question.

I have, &c.,

J. B. HAYES,
Premier.

His Excellency

The Administrator of the Government,
Hobart.

45780

No. 111.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.25 a.m., 15th September, 1923.)

TELEGRAM.

14TH SEPTEMBER. Your telegram of 11th June* regarding recommendation(s) in the final Colwyn Committee Report. Canadian Ministers approve principle(s) outlined in the summary of the recommendation(s) in Article No. 114, pages 46 and 47 of the final Report. They assume that any agreement arrived at will bind not only the Dominions but also reciprocally bind the United Kingdom. My Ministers call attention to the fact that several provinces of Canada may be interested in the matter in their own right, and the Canadian Government could not bind the provinces either as to tax(es) imposed by the provinces or tax(es) to which it might be sought to render them liable. It is desirable that attention be directed to the fact that the Canadian National Railway and the Canadian Government Merchant Marine while nominally taking the form of Corporations are actually Government enterprises, inasmuch as entire Stock of Companies is owned by Canadian Government.—BYNG.

* Not printed; reminder.

50813

No. 112.

VICTORIA.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 6.10 a.m., 18th October, 1923.)

TELEGRAM.

18TH OCTOBER. Your despatch of 7th June last year Dominions No. 180.* My Ministers agree generally with recommendations of Committee question of liability of Dominion and Foreign Governments to United Kingdom taxation, but they point out that in the case of Australia State Governments the relations of the State Governments with one another and with the Commonwealth will have to be specially provided for.—IRVINE.

55641

No. 113.

VICTORIA.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 19th November, 1923.)

[Answered by No. 114.]

(No. 27.)

MY LORD DUKE, State Government House, Melbourne, 17th October, 1923.

In continuation of my telegraphic despatch of even date,† I have the honour to transmit to Your Grace a copy of a memorandum which I have received from the Premier (Mr. Lawson) on the subject of the liability of Dominion and Foreign Governments to United Kingdom taxation.

I have, &c.,

W. H. IRVINE.

Enclosure in No. 113.

Premier's Office, Melbourne, 11th October, 1923.

Memorandum for His Excellency
the Lieutenant-Governor.

THE Premier presents his duty to the Lieutenant-Governor and, with reference to Dominions despatch No. 180 of the 7th June, 1922,* begs to inform His Excellency that Ministers agree generally with the recommendations of the Colwyn Committee on the question of the liability of Dominion and Foreign Governments to United Kingdom taxation, but they point out that in the case of the Australian States the relations of the States with one another and with the Commonwealth will have to be specially provided for.

In view of the desire of the Secretary of State for the Colonies for an early reply, as indicated in his telegram of January last, the Premier suggests that the views expressed above be transmitted to the Colonial Office by cable.

Copies of a memorandum‡ which has been prepared under the direction of the Attorney-General are attached hereto for His Excellency's information. This memorandum indicates some of the difficulties alluded to above, and will no doubt be of interest to the authorities of the Colonial Office.

Mr. Lawson therefore recommends that copies be transmitted to the Secretary of State for the Colonies when the cablegram suggested above is being confirmed.

In connexion with this matter, the Premier wishes to add that a request was received some time ago from the Consul-General for the United States, that Victorian taxation should not be levied on the earnings in Victoria of vessels belonging to the United States Shipping Board. The Consul-General was informed that the request would receive consideration, but, at the same time, it was intimated to him that the matter was one which concerned the Imperial Government as well as this State.

* No. 162 in Dominions No. 83. † No. 112. ‡ Not printed.

In view of the recommendations contained in the Colwyn Committee's Report and of the reference to this subject made in Dominions despatch No. 166 of the 26th April, 1921,* no decision has yet been made by Ministers, and it is proposed to await the outcome of the consideration of the Report referred to before committing the Victorian Government in any way. In the meantime Ministers would be glad to have the benefit of any observations which the Secretary of State for the Colonies may wish to offer regarding this specific application.

H. S. W. LAWSON,
Premier.

32619

No. 114.

VICTORIA.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 45.)

MY LORD,

Downing Street, 19th July, 1924.

I HAVE the honour to acknowledge the receipt of Sir W. H. Irvine's despatch No. 27 of the 17th of October last,† and to request you to convey to your Ministers an expression of my thanks for the memorandum forwarded therein on the subject of the liability to United Kingdom taxation of Dominion and Foreign Governments, which has been read with much interest.

2. The questions raised were discussed at the Imperial Economic Conference, 1923, and I have already addressed you on the subject of the resolution of the Conference in regard to Shipping Taxation in my despatch Dominions No. 297 of the 30th of June.‡ I hope shortly to be in a position to send a further communication in regard to the resolution of the Conference on the subject of Immunity of State Enterprises. In the meantime, on the facts before them as to the status of the United States Shipping Board Emergency Fleet Corporation, His Majesty's Government would, for their part, feel debarred at present by International Law from pressing a claim for tax in respect of any profits made by the Corporation, if the Corporation took the plea of sovereign privilege.

I have, &c.,
J. H. THOMAS.

* No. 151 in Dominions No. 83.

† No. 113.

‡ No. 337.

VII. PROPOSED DUPLICATION OF PACIFIC CABLE.

(See pages 129-131 of Dominions No. 83.)

22229

No. 115.

THE PACIFIC CABLE BOARD TO THE COLONIAL OFFICE.

(Received 12th January, 1923.)

SIR,

Queen Anne's Chambers, S.W.1., 11th January, 1923.

I AM directed by the Pacific Cable Board to refer to the Chairman's letter dated 21st May, 1920,* on the subject of proposals for duplicating the Board's Cables, and to transmit, for the information of the Secretary of State for the Colonies, copies of further memoranda,† dealing with the project for the laying of a direct cable between Auckland (New Zealand) and Suva (Fiji), and of one between Sydney (New South Wales) and Southport (Queensland). The memoranda also explain the circumstances which have led the Board to consider it expedient to defer measures for providing additional channels of communication north of Fiji.

The approval of each of the Partner Governments has been obtained to the laying of a direct cable between Auckland and Suva and between Sydney and Southport, and contracts for the manufacture and laying of such cables have been placed.

The date specified for the completion of manufacture and laying of both cables is 14th August, 1923.

The new Auckland-Suva Cable will be brought to land at Suva Point and will be trenched into the Station.

The Board were required to take out a landing licence in respect of the landing at Suva in 1902 of the Fanning Island and Norfolk Island Cables, and they assume that there will be necessity for a new licence in respect of the additional cable which they now propose to land at Suva.

If a new licence is necessary, I am directed by the Board to request that the Fiji Government may be moved to grant it, and to enquire whether the detailed information required for the purpose should be furnished to you or direct to the Governor of Fiji.

I am, &c.,

FRED. J. ADYE,
Secretary.

Enclosure in No. 115.

The Pacific Cable Board,
Queen Anne's Chambers,
S.W.1.

MEMORANDUM ON THE DUPLICATION SCHEME.

1. A Memorandum, dated 29th April, 1920,‡ giving the views of the Pacific Cable Board on the duplication of the Pacific Cable, was communicated to the contributing Governments. A copy of this Memorandum is attached.

The New Zealand Government replied on 12th August, 1920, and the Canadian Government on 8th February, 1921,§ expressing their concurrence in the proposals contained in the Memorandum. The Commonwealth Government replied on 19th December, 1921,|| agreeing to the proposal for duplication, but leaving the question of route to be settled by the Representatives in London.

2. Since April, 1920, the conditions have changed in several respects:—

(i.) The traffic passing over the Pacific Cable has been maintained at an unexpectedly high level. The maximum reached during the war period was 9,084,000 paying words, in 1919-20, and it was expected that there would be a rapid fall in the number. There has, in fact, been a considerable increase, notwithstanding the depression of trade. The traffic for the first quarter of the current year was at the rate of about 9,700,000 words per annum, and in a recent week it was at the rate of over 11,000,000 words per

* 25744: not printed, but see No. 235 in Dominions No. 73. † One only reprinted. ‡ Enclosure in No. 235 in Dominions No. 73. § Nos. 237 and 238 in Dominions No. 73. || No. 239 in Dominions No. 73.

annum. This means that the cable is working at its fullest capacity, and if a revival of trade brings any further growth of traffic it will be impossible to deal with it. This makes an increase in the capacity of the Pacific system more urgent than it was in 1920.

(ii.) On the other hand, there are strong reasons against immediate action for duplicating the long Fanning-Bamfield section. A new method of "continuous loading" has been invented which promises to increase very greatly the speed of long cables. An order has been given by the Western Union Company for the manufacture of a considerable length of cable on the new system, and if this is found to attain in practice the results indicated by laboratory experiments it will completely alter the conditions of the problem.

It is inadvisable, therefore, to proceed with the duplication of the Fanning-Bamfield cable until the value of this new invention is more clearly known.

For cables of more moderate length (up to, say, 1,500 miles) the new invention is of less importance.

(iii.) Wireless telegraphy has made great advances in the last few years. The development of "valve" transmission and reception has made it possible to use wireless over greater distances, and with increased speed and certainty. It is still subject to disturbances which cannot as yet be controlled, and there is probably no service over any considerable distance which works uninterruptedly throughout the twenty-four hours. But its use for long distance commercial services is rapidly increasing.

Australia has taken steps for establishing a high-power station. Canada is considering what steps to take, and Canadian representatives are shortly coming to London to discuss the question.

It is clearly worth examining whether wireless telegraphy ought to be adopted as an auxiliary to the Pacific Cable.

(iv.) When the Memorandum of 1920 was prepared, the traffic exchanged with the United States was about one-third of the total traffic passing over the cable. The proportion has now fallen to one-fifth, mainly owing to the large increase in the week-end traffic with the United Kingdom. This alters the conditions of the problem as regards the suggested connexion via Honolulu.

3. A note by the Manager in the Pacific is attached, in which he strongly urges that the Board should proceed at once to lay the Auckland-Suva and Sydney-Southport sections for the purpose of obtaining security against complete interruption of the cable at Norfolk Island (which has been shown by experience to be the weakest spot), and for giving greater elasticity in the disposal of traffic for New Zealand and Australia.

The carrying out of this duplication is in accordance with the general approval of the contributory Governments and I recommend that steps be taken at once to obtain their formal approval in accordance with the Act of 1911, and to invite tenders.

A report by the Consulting Engineers is attached, from which it appears that they estimate the cost of these two cables (including laying) at £399,000. On this basis the total cost (including a new office building at Suva) is estimated by Mr. Milward at £410,000.

4. As regards the Northern sections, I suggest that no steps for cable duplication be taken this moment, and that the question of wireless communication be considered.

For this purpose it is essential to have accurate information as to the conditions affecting wireless reception in Vancouver Island, Fanning and Fiji. Experimental receiving stations can be erected at these places at very small cost, and observations can be taken of messages received from San Francisco, Australia, the Philippines and other distant stations over a sufficient period to show what may be expected as regards working conditions.

I recommend that steps be taken at once to have these experimental tests made, and that the question of wireless communication be discussed with the Canadian representatives during their visit.

H. BABINGTON SMITH.

5th July, 1922.

VIII.

IMPORTATION OF ANIMALS ACT, 1922.

(See also pages 298-305 below.)

61952

No. 116.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by No. 123.]

(Commonwealth of Australia. No. 51.)

(New Zealand. No. 22.)

(Union of South Africa. No. 38.)

(Newfoundland. No. 21.)

[MY LORD,] [SIR,]

Downing Street, 1st February, 1923.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, the accompanying copy of the Importation of Animals Act, 1922 (13 George V. Chapter 5) which was introduced into Parliament last session as the result of Resolutions passed in the House of Lords and House of Commons in July, 1922, regarding the importation of Canadian cattle, and of a Conference with Canadian Ministers held in London in October.

2. It was agreed at the Conference with Canadian Ministers that the legislation dealing with this matter ought to be capable of adaptation to the requirements of other parts of the Empire and the Bill* (of which I enclose a copy) when introduced into the House of Commons, contained a clause (Clause IV) which was designed to render possible the importation of animals from other British Dominions (as defined in Clause 12) subject to the Regulations necessary to meet the varying conditions.

3. When, however, the Bill reached the Committee stage in the House of Commons objections were raised to Clause IV, and ultimately it was withdrawn. The question whether it would be possible to re-introduce the Clause was carefully examined by His Majesty's Government, but, owing to the shortness of the Session, it was deemed advisable not to press for its reinsertion.

4. Your Ministers will, however, observe from the enclosed extract† from my speech during the Second Reading of the Bill in the House of Lords that, after expressing my regret for the deletion of Clause IV in the House of Commons, I stated that I was fully prepared to give an undertaking that, if the point as to the removal of the restrictions regarding the importation of cattle from the Dominions other than Canada were raised at the next Imperial Conference, and a mutually satisfactory arrangement reached, His Majesty's Government would bring in legislation to give effect to that arrangement.

I have, &c.,
DEVONSHIRE.

12911

No. 117.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

} Dominions No. 122.)

[MY LORD,] [SIR,]

Downing Street, 29th March, 1923.

WITH reference to my despatch [To Canada: No. 594 of the 19th of December, 1922,†] [To Australia: No. 51] [To New Zealand: No. 22] [To Union

* Bill 3. † House of Lords' Debates, Vol. 52, No. 12, pp. 492-4. ‡ 61952: not printed; it enclosed copies of Importation of Animals Act, 1922 (13 Geo. V. Chap. 5).

of South Africa: No. 38] [To Newfoundland: No. 21] of the 1st of February,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, the accompanying copies of an Order of His Majesty in Council† bringing into operation the Importation of Animals Act, 1922, and of two Orders‡ made by the Minister of Agriculture under the Act, entitled respectively "the Canadian Cattle (Marking) Order of 1923" and "the Importation of Canadian Cattle Order of 1923."

I have, &c.,
DEVONSHIRE.

16662

No. 118.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions. No. 129.)

[MY LORD,] [SIR,]

Downing Street, 6th April, 1923.

WITH reference to my despatch [No. 594, of the 19th December, 1922, §] [No. 51] [22] [38] [21] of the 1st February,||] I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, the accompanying copies of an Order¶ of the Minister of Agriculture and Fisheries, dated 27th March, 1923, modifying the provisions in the Schedule to the Importation of Animals Act, 1922.

I have, &c.,
DEVONSHIRE.

23770

No. 119.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.55 p.m., 10th May, 1923.)

TELEGRAM.

[Answered by No. 120.]

10TH MAY. Secret. Your Ministers will remember that at the Conference with Fielding and Lapointe last October on the admission of Canadian cattle one of the terms of the Agreement related to the admission of breeding cattle on conditions which would be defined by Order to be laid before both Houses of Parliament. Provision was made accordingly in Act of last year.

Minister of Agriculture has been engaged in preparing draft of order in consultation with Duncan Marshall, but we find that there is strong opposition from the agricultural interests both in Parliament and outside to the terms of any Order which would admit any but cattle registered as pure-bred by the Canadian National Record Board and capable of passing the test for abortion; and this is the utmost which we could hope to carry through the House of Commons and House of Lords. If an Order on these lines would not be satisfactory to your Prime Minister and his colleagues, we fear that it would be necessary to postpone whole matter for consideration at Imperial Economic Conference. Please telegraph their views as soon as possible.—DEVONSHIRE.

* No. 116. † Not printed here. ‡ Nos. 1276 and 1277: not printed here. § 61952: not printed; it enclosed copies of Importation of Animals Act, 1922 (13 Geo. V. Chap. 5). || No. 116.

¶ No. 1295: not printed here; it made certain minor technical modifications.

24231

No. 120.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.50 p.m., 12th May, 1923.)

TELEGRAM.

[Answered by No. 121.]

SECRET. 12th May. Your telegram 10th May.* Canadian cattle. In view of all the circumstances surrounding admission of Canadian breeding cattle to Great Britain and our desire not to cause His Majesty's Government any embarrassment on this many-sided question my Ministers agree to leave final action until meeting of Imperial Conference this autumn. Your Grace's terms would not be very acceptable in any case as British Holstein Pure-bred Association has already announced that it will not accept Canadian pure-bred Holstein as eligible for British herd book, and other pure-bred cattle Associations would probably take similar stand and thus nullify your whole ? Order, therefore quite agreeable to defer this phase of embargo question, more especially as Stocker feature seems to be working out so satisfactorily.—BYNG.

24231

No. 121.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.20 p.m., 15th May, 1923.)

TELEGRAM.

[Answered by No. 122.]

15TH MAY. Secret. Your telegram 12th May.† Admission of Canadian breeding cattle. His Majesty's Government much appreciate attitude of Canadian Government. Minister of Agriculture proposes to make following announcement Thursday House of Commons:—

Begins: His Majesty's Government have arranged with the concurrence of the Government of Canada to postpone the laying of an Order for the admission of breeding cattle from Canada under Section 2 of the Importation of Animals Act, 1922, until the question has been further discussed at the forthcoming Imperial Economic Conference. *Ends.*

Do your Ministers concur? Should be grateful for reply to-morrow, if possible.—DEVONSHIRE.

24927

No. 122.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.8 p.m., 16th May, 1923.)

TELEGRAM.

16TH MAY. Secret. Your telegram of 15th May.‡ Canadian Government concurs in proposal of His Majesty's Government to postpone admission of Canadian breeding cattle into Great Britain until question has been further discussed at Economic Conference.—BYNG.

* No. 119. † No. 120. ‡ No. 121.

26396

No. 123.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 28th May, 1923.)

[Answered by No. 125.]

(No. 93.)

MY LORD DUKE,

Government House, Wellington, 11th April, 1923.

WITH reference to your despatch No. 22 of the 1st February,* I have the honour to transmit to Your Grace the accompanying copy of a memorandum which has been addressed to me by my Prime Minister, relative to the Importation of Animals Act, 1922 (13 George V, Chapter 5), which was introduced into the British Parliament last session.

I have, &c.,

JELLICOE,

Governor-General.

Enclosure in No. 123.

Prime Minister's Office, Wellington,
10th April, 1923.

Memorandum for His Excellency the Governor-General.

THE Prime Minister presents his compliments and begs to acknowledge receipt from His Excellency of the despatch of 1st February from the Right Hon. the Secretary of State for the Colonies, with which copies of the Importation of Animals Act, 1922, are enclosed.

It is noted with the utmost regret that a clause in the Bill designed to permit the importation of animals from other British Dominions than Canada was struck out in Parliament, in spite of the decision arrived at by the conference between members of His Majesty's late Government and Canadian Ministers, as quoted by the Right Hon. the Secretary of State in the House of Lords. His Excellency's Ministers altogether fail to understand why New Zealand animals should not be permitted to be imported into Great Britain under proper and reasonable safeguards. New Zealand is remarkably free from serious animal disease, and, consequent upon its distance from Great Britain, there could be no possibility of store cattle being shipped, therefore the only animals which would be sent to Great Britain if importation were allowed would be breeding stock of high quality.

The Prime Minister would respectfully beg of His Excellency to make further representations to His Majesty's Government on this point, and particularly to emphasize the fact that while New Zealand imports the great bulk of her pure-bred breeding stock from Great Britain, it seems unreasonable that New Zealand breeders should be debarred from the opportunity of shipping animals to Great Britain at any time when such shipment is desired.

It is noted with satisfaction that the Right Hon. the Secretary of State is fully prepared to give an undertaking that if the point as to the removal of restrictions on the importation of cattle from Dominions other than Canada is raised at the next Imperial Conference and a mutually satisfactory arrangement reached. His Majesty's Government will bring in legislation to give effect to that resolution. Nevertheless, having regard to the present-day position, His Excellency's Ministers would greatly appreciate the present submission to His Majesty's Government of the expressions of opinion embodied in this memorandum.

W. F. MASSEY,

Prime Minister.

* No. 116.

28123

No. 124.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 199.)

[MY LORD,] [SIR,]

Downing Street, 4th June, 1923.

WITH reference to my despatch Dominions No. 129 of the 6th of April,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, the accompanying copies of an Order† of the Minister of Agriculture and Fisheries, dated the 24th May, 1923, modifying the provisions of the Schedule to the Importation of Animals Act, 1922.

I have, &c.,

DEVONSHIRE.

29730

No. 125.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 137.)

MY LORD,

Downing Street, 28th June, 1923.

I HAVE the honour to acknowledge the receipt of your despatch No. 93 of the 11th of April‡ transmitting a copy of a memorandum by your Prime Minister relative to the provisions of the Importation of Animals Act, 1922.

2. His Majesty's Government have noted the views expressed in the Prime Minister's memorandum and will give the most careful consideration to them. It will, however, be appreciated that, under present conditions, the Minister of Agriculture is bound by the terms of the existing enactments, and is in a position to sanction the importation of stock other than for immediate slaughter only where he is satisfied that the animals are destined for exhibition or for other exceptional purposes. The conditions under which alone applications for the admission of animals in such circumstances can be considered under section 27 of the Diseases of Animals Act, 1894, are set out in the accompanying memorandum. I would invite attention particularly to paragraph 4 of this memorandum.

I have, &c.,

DEVONSHIRE.

[28679]

Enclosure in No. 125.

MEMORANDUM OF CONDITIONS UNDER WHICH THE MINISTRY IS PREPARED TO CONSIDER APPLICATIONS (UNDER SECTION 27 OF THE DISEASES OF ANIMALS ACT, 1894), FOR THE LANDING IN GREAT BRITAIN OF FOREIGN ANIMALS FOR EXCEPTIONAL PURPOSES.

1. BEFORE authorizing the landing of any foreign domestic animal under the above-mentioned Section, the Ministry would require to be satisfied by special inquiries that no risk of the introduction of disease would be entailed by conditions existing in the country from which the animal is sought to be imported. A certificate will be required from the Government of the exporting country as to the freedom of the animals from disease immediately before shipment.

2. The landing of animals so authorized would be subject to the provisions of the Foreign Animals (Quarantine) Order of 1896 regulating the landing, detention and isolation of the animals at a Foreign Animals Quarantine Station at the port of landing, defined by an Order of the Minister for the purpose, and imposing strict requirements as to inspection of the animals during quarantine, and the cleansing and disinfection of the premises, etc.

* No. 118.

† 1929: not printed here; it made certain minor technical modifications.

‡ No. 123.

The premises selected for quarantine would have to meet the requirements of the Ministry as regards structure and suitability, and would have to be in close proximity to the wharf at which landing takes place. No forage, litter, halters, cloths or other articles that have been in contact with the animals to be imported may be landed.

In the case of each authorization a period of quarantine would be specifically imposed, which in no event would be less than twenty-eight days, and which, in certain cases, would be extended to six months.

3. Except in the case of animals for the purposes of scientific experiments, only such importations would be sanctioned as were conducted under the auspices of the Government of the exporting country or under the auspices of a recognized Breed Society in Great Britain, who would have to make the necessary arrangements for the acquisition of premises to be used as a Foreign Animals Quarantine Station (subject to the approval of such premises by the Ministry), and to defray all expenses connected with the importation and with the detention of the animals during the period of quarantine, except the expenses incurred in the veterinary supervision of the animals during that period, which would be undertaken by the Ministry without charge, provided that the port is one at which a Veterinary Inspector of the Ministry is stationed.

4. Before granting an application for the importation of any foreign domestic animal, the Ministry would require to be convinced of the "exceptional circumstances" contemplated by the Act. For example, proof would have to be produced of the exceptionally high milking strain of any cattle proposed to be imported, or of the need for the importation of stock of a certain breed for the purpose of the renewal of a valuable breed in this country which is in danger of extinction, or for the establishment of a breed of special value in this country.

5. In no case would the Ministry assume any financial liability for any loss occasioned at any time by the death, slaughter, injury or illness of any animal so imported, or by any accident to any such animal, and in the event of a contagious disease, such as Foot-and-Mouth Disease or contagious Pleuro-pneumonia, etc., being certified by the Ministry to exist amongst the animals during the period of quarantine, the Ministry reserves the right to direct the slaughter forthwith of any or all of the animals without compensation.

6. Reasonable facilities would be given to any person or persons nominated by the Breed Society to inspect the animals and the arrangements for their detention with the written sanction of an Inspector of the Ministry, subject, however, to any requirements as to disinfection that would be imposed.

Ministry of Agriculture and Fisheries.

Whitehall Place, S.W.1.

April, 1920.

33787

No. 126.

COMMONWEALTH OF AUSTRALIA.

SIR JOSEPH COOK (HIGH COMMISSIONER) TO THE DUKE OF DEVONSHIRE.

(Received 7th July, 1923.)

[Answered by No. 127.]

High Commissioner, Australia House, Strand,

MY DEAR DUKE OF DEVONSHIRE,

London, W.C.2, 5th July, 1923.

As far back as the year 1894 there were regular shipments of live stock from Australia to London, which showed that it was possible to carry cattle all the way by sea and deliver them in sound condition. These shipments were continued for several years, but were finally abandoned, as they could not be made profitable owing to the provisions of the law requiring the slaughter of imported cattle within twenty-four hours of their arrival in port.

As there was at the time no discrimination in the regulations between one country and another, the Australian Governments did not protest against them, although compliance frequently involved slaughtering the cattle on board the ships which carried them from Australia. Nevertheless, a plea could reasonably have

been made for a modification of the requirements of the law on the ground that the vast distance that separates Australia from England, involving a sea transport of sixty days or more, served as an efficient quarantine, and that cattle, healthy when shipped in Australia, could not be infected on their way to London as the vessels that carried them rarely touched at an intermediate port, and then only for coal and water.

The action of Parliament in repealing, so far as Canada is concerned, the provision for the slaughtering of cattle on their arrival and substituting therefor a simple quarantine subjects us to an invidious differentiation.

In the eyes of the Imperial Parliament, all the Dominions are equal, and there is no reason to doubt that, if it had been asked, Parliament would have conceded to Australia what was being granted to Canada, unless it could be shown that the concession would be likely to have injurious effects on English herds. I should be pleased, therefore, if you would be so good as to ascertain whether, in preparing the Bill for the admission of Canadian cattle into Great Britain, the Minister for Agriculture and Fisheries had in mind anything in the circumstances of Australia, the conditions of cattle breeding in that country or in the character of its export trade, that would warrant a refusal of the special concessions given to Canada.

This is a subject which greatly concerns the pastoralists of Australia, who contend that they have serious grounds of complaint, and my Government strongly and unhesitatingly supports their contention. When the Bill was before the Commons, I took every care that my views should be known to the Minister in charge as I realized how important the policy involved was to Australia; this, I feel sure, you also realize. I need not, therefore, stress the matter beyond stating that its settlement is one of great urgency, and I am instructed by my Government to press for the removal of this discrimination, which is a matter of serious moment to one of our great and vital industries.

Yours sincerely,

JOSEPH COOK.

33787

No. 127.

COMMONWEALTH OF AUSTRALIA.

THE DUKE OF DEVONSHIRE TO SIR JOSEPH COOK (HIGH COMMISSIONER).

DEAR SIR JOSEPH,

Downing Street, 17th July, 1923.

I HAVE NOW consulted the Minister of Agriculture about the question of the importation of live stock from Australia, to which you referred in your letter of the 5th July.* I do not think that I can say much by way of explanation beyond what is contained in the telegram† and despatch‡ (I enclose copies for convenience of reference) which I sent to the Governor-General of the Commonwealth in connexion with the passing of the Importation of Animals Act, 1922. I should add that in pursuance of the statement which I made in the House of Lords referred to in my despatch of the 1st February, the question of the restrictions on the importation of live stock into the various parts of the Empire is being placed as a subject for discussion on the agenda of the forthcoming Imperial Economic Conference.

Yours sincerely,

DEVONSHIRE.

* No. 126.

† 61624: not printed; it explained the position as regards Clause iv of the Importation of Animals Bill on the same lines as No. 116. ‡ No. 116.

IX.

STATUS OF DOMINION TRADE COMMISSIONERS IN FOREIGN COUNTRIES.

13858

No. 128.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 19th March, 1923.)

[Answered by No. 132.]

(No. 110.)

MY LORD DUKE, Government House, Ottawa, 8th March, 1923.

I HAVE the honour to transmit, herewith, for Your Grace's information, a copy of an Approved Minute of the Privy Council for Canada on the subject of the status enjoyed by Canadian Trade Commissioners in foreign countries.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 128.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 5TH MARCH, 1923.

(P.C. 2124.)

THE Committee of the Privy Council have had before them a report, dated 5th October, 1922, from the Minister of Trade and Commerce, submitting that for a very considerable time the status occupied by Canadian Trade Commissioners in foreign countries has been the source of grievous embarrassment, which has tended not a little to materially restrict their usefulness in the promotion of Canadian trade.

The Minister observes that at the present time Canadian Trade Commissioners on appointment are accredited through the good offices of His Majesty's Colonial and Foreign Offices to the British Ambassador or British Minister, as the case may be, at the capital of the foreign country in which the Trade Commissionership may be established. While such British diplomatic officials and their commercial secretaries have at all times been most courteous toward and expressed themselves as willing to co-operate to the fullest extent with Canadian Trade Commissioners, nevertheless, there have been occasions where the Trade Commissioner has felt that his representations have not been presented as strongly as they might have been. At times, official British support has been withheld from Trade Commissioners, support which the Trade Commissioner has felt that he reasonably should receive.

The Minister believes that the Canadian Trade Commissioners should have such entree as may be required from time to time to interview responsible foreign government heads and other officials in connexion with matters respecting industry, commerce, trade, customs and finance. At times Trade Commissioners have been courteously informed by certain foreign officials that as they have no standing they can have no communication, no matter how trifling the subject may be.

A status, therefore, should be given to Canadian Trade Commissioners which will allow the Commissioner to take his place in foreign government circles as a Canadian Government official. At present any privilege extended to a Trade Commissioner in foreign government circles is wholly by courtesy. It is believed that the standing of the Trade Commissioner should be at least that of a First Secretary.

Canada permits articles for the personal or official use of foreign consuls general to be imported free of duty. The same privilege is not granted abroad to Canadian Trade Commissioners in more than two or three cases.

The commercial secretaries of various grades of foreign countries hold diplomatic standing. Their names are on the official list. They meet the leading

members of the community at official functions on an altogether different plane from Canadian Trade Commissioners. Commercial secretaries of the various British and foreign Embassies and Legations are invited to official functions while the Canadian Trade Commissioner is frequently unrecognized and uninvited. Cases have arisen where official Canadian Government missions to a foreign country could not be presented except through the British authorities, and even then the Canadian Trade Commissioner in one case was not invited to be present.

It is unreasonable to suppose that British Ambassadors and Ministers, some of whom may have an inadequate knowledge of Canada, can present a case in behalf of Canadian Trade with the same degree of authority as a Canadian Trade Commissioner who is educated and trained in the Canadian Commercial Intelligence Service and ably equipped for the duties of his office. There are many occasions where a Trade Commissioner might, were he permitted to approach directly a foreign government official, obtain or give information upon some comparatively unimportant trade or financial matter which at the present time must be taken up formally through, and unnecessarily occupy the time of, the British diplomatic representatives.

The Minister states that it is not the desire of the Canadian Government to unduly elevate its trade representatives abroad, nor is it intended that they should undertake important trade negotiations, but it is necessary that some understanding be come to which will permit Canadian Trade Commissioners to be duly accredited to the various foreign governments in those countries where Trade Commissioners are appointed, so that such recognition can be given them as the dignity of their office demands.

The Committee, therefore, advise, on the recommendation of the Minister of Trade and Commerce, that Your Excellency may be pleased to bring this matter to the attention of His Majesty's Colonial Office, with a view to ascertaining what recognition can be given to Canadian Trade Commissioners to enable them more effectively to fulfil the duties of their office.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

20619

No. 129.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 25th April, 1923.)

[Answered by No. 130.]

SIR,

Foreign Office, S.W.1, 24th April, 1923.

I AM directed by the Secretary of State for Foreign Affairs to acknowledge receipt of your letter of the 7th instant,* requesting his observations on a despatch from the Governor-General of Canada regarding the status enjoyed by Canadian Trade Commissioners in foreign countries.

2. In reply I am to state that the Secretary of State has given careful consideration to the question and considers that it is eminently one for discussion and settlement at the forthcoming Imperial Conference in London.

I am, &c.,

G. H. VILLIERS.

20619

No. 130.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 5th May, 1923.

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letter of the 24th April† on the subject of the status enjoyed by Canadian Trade Commissioners in foreign countries, and to request you to inform the Marquess

* Not printed: it transmitted for observation copy of No. 128.

† No. 129.

Curzon of Kedleston that, while agreeing that the question is one which might need discussion at the forthcoming Imperial Conference, the Secretary of State thinks that it would be advisable that the preliminary discussions at any rate should take place at the Imperial Economic Conference.

2. In any case it seems desirable that careful consideration should be given beforehand to the matter, and that His Majesty's Government should be prepared to state how far and in what way they are prepared to give effect to the Canadian desire for the improvement of the status of Trade Commissioners.

I am, &c.,

E. J. HARDING.

30717

No. 131.

MEMORANDUM PREPARED IN THE FOREIGN OFFICE AND APPROVED BY THE INTER-DEPARTMENTAL COMMITTEE FOR USE BY THE REPRESENTATIVES OF HIS MAJESTY'S GOVERNMENT AT THE IMPERIAL ECONOMIC CONFERENCE, 1923.

(Not for circulation to Oversea Governments.)

(Confidential.)

I.E.C. ("B" Series) VII.

IMPERIAL ECONOMIC CONFERENCE.

Status of Dominion Trade Commissioners.

THE Canadian Government have raised the question of the status of Dominion Trade Commissioners in foreign countries. At present the Commissioners have neither diplomatic nor consular status, and their efficiency is hampered thereby. While the Canadian Government do not desire unduly to elevate their trade representatives abroad nor to entrust them with important trade negotiations, they feel that the Commissioners should be given such recognition as the dignity of their office demands.

The British Commercial Counsellors and Commercial Secretaries in foreign countries form part of the Embassy or Legation staffs and thus enjoy diplomatic privileges and immunities. It would be possible similarly to include the more important Dominion Commissioners, Australian, New Zealand, South African and Irish, as well as Canadian, in the diplomatic staffs and thus give them precisely the same standing as the British Commercial Counsellors and Secretaries. This would seem to be the simplest solution, but it would involve (a) that His Majesty's Ambassador or Minister would be responsible for the actions of the Dominion Trade Commissioner vis-a-vis the foreign government concerned, and consequently (b) that the Dominion Trade Commissioner would look to the Ambassador or Minister for support in his relations with the foreign government concerned, and equally would be subject to his general guidance in the conduct of those relations.

It would be necessary to make this situation clear to the Dominion Governments, and also to explain (1) that it is contemplated that the Dominion Trade Commissioners should maintain entirely separate staffs, and (2) that the position as regards separate office accommodation remains as stated in Overseas Trade circular despatch of 30th December, 1921,* i.e., that office accommodation in Embassies and Legations is so limited that none is likely to be available for Dominion commercial representatives.

As regards the less important Dominion Trade Commissioners, it is suggested that the best plan will be to endeavour to obtain for them the same recognition, exemptions and privileges as may be accorded by the foreign Government concerned to His Majesty's Consular officers in that country.

May, 1923.

* Enclosure in No. 10 in Dominions No. 83.

36867

No. 132.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.40 p.m. 8th August, 1923).

TELEGRAM.

[Answered by No. 133.]

8TH AUGUST. Your despatch 8th March, No. 110.* Status of Trade Commissioners in foreign countries. If your Ministers so desire arrangements will be made to place this question on the agenda for the forthcoming Imperial Economic Conference.—DEVONSHIRE.

42474

No. 133.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.55 p.m. 25th August, 1923.)

TELEGRAM.

[Answered by No. 134.]

25TH AUGUST. Your telegram 8th August.† Status of Canadian Trade Commissioners in foreign countries. If His Majesty's Government will accredit various duly appointed Canadian Trade Commissioners to foreign countries in same manner as they have accredited Canadian Trade Commissioner to United States of America such action will be quite acceptable to Canadian Government and would obviate necessity for discussion of general question at the Imperial Conference or elsewhere.—BYNG.

Secretariat Note.—The procedure adopted in the case of the Canadian Trade Commissioners in the United States was, on receipt of a formal request from the Canadian Government, to instruct His Majesty's Ambassador at Washington to notify the United States Government officially of the appointments, and to endeavour to secure all proper facilities and courtesies for the officers concerned; a similar procedure was adopted in the cases of Canadian Trade Commissioners in other foreign countries.

45380

No. 134.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.50 a.m. 14th September, 1923.)

TELEGRAM.

14TH SEPTEMBER. Your telegram 25th August.‡ Trade Commissioners. His Majesty's Government will gladly accredit Canadian Trade Commissioners to foreign countries in the same manner as they have been accredited to United States. His Majesty's Government agree that in the circumstances it would seem unnecessary to discuss matter at Imperial Economic Conference.—DEVONSHIRE.

Secretariat Note.—No further correspondence ensued, and in consequence the subject was not brought up for discussion at the Imperial Economic Conference, 1923.

* No. 128. † No. 132. ‡ No. 133.

X.

ARRANGEMENTS FOR IMPERIAL CONFERENCE AND IMPERIAL ECONOMIC CONFERENCE, 1923.

58204

No. 135.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 6.20 p.m., 29th November, 1922.)

TELEGRAM.

[Answered by Nos. 137, 138, 140, 141, 143 and 144.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

29TH NOVEMBER. Following from Prime Minister for your Prime Minister:—

Begins: As you know, my colleagues and I are anxious to help the development of trade within the Empire in any way in our power. The most promising method of securing this is, in our opinion, co-operation between the various Governments, and we are therefore anxious to take counsel with them.

A meeting of the Imperial Conference is due next year, and will, I hope, take place, but it seems to us that there would be advantage in holding an Imperial Economic Conference distinct from and in advance of this, which could survey all the possibilities of joint and reciprocal action in the economic sphere.

I should be grateful if you would let me know how you would view this suggestion and whether you would be prepared to send representatives to such a Conference if the idea commended itself generally.

We have given some preliminary consideration to the scope of an Economic Conference such as we have in mind, and our tentative suggestion is that its general reference should be to study the possibilities of co-operation in the development of the resources of the British Empire and the strengthening of economic relations between its constituent parts.

Among the subjects which suggest themselves as suitable for consideration would be those for the fuller development of natural resources and of inter-Imperial commerce, shipping, and communications generally, as well as co-ordinated action for the improvement of technical research and the organization of economic intelligence; and also any proposals for the unification of law or practice in the Empire in matters bearing upon trade development, e.g., Empire Patents, Bills of Lading, Enforcement of Judgments, etc. Not the least important aspect of development in this connexion for some, at any rate, of the Governments concerned, is that of Oversea Settlement; and the progress up to date of co-operation in this respect on the lines laid down in resolution of Imperial Conference of 1921, and the possibilities of further progress, would naturally come under review.

Certain organizations for economic co-operation have already been established on an inter-Imperial basis. Work of such bodies would naturally come up for consideration as would also the recommendations of Conferences and Commissions on special subjects which have met and reported in recent years.

Conference might also wish to survey certain aspects of the external commercial relations of the Empire. For example, it might think well to consider the question of mutual co-operation amongst the various Governments to safeguard their economic interests in relation to foreign countries and any proposals for promoting international arrangements for the more equitable treatment of commerce. One or two subjects call for consideration as regards both their Imperial and International aspects; for example, position of Government enterprises as regards taxation and legal liability.

We should be greatly obliged for full expression of your opinion after you have had time to consider suggestions outlined above, and also for your views as to the best time for holding such a Conference if agreed to and as to the number of representatives. Tentatively we suggest that it should take place about April, 1923, and that there should be not more than three delegates from each Government accompanied by the necessary expert advisers.

Similar telegram is being sent to the other Prime Ministers and also to India. We contemplate, of course, that the Conference should include representation of the interests of the Colonies and Protectorates. *Ends.*

—DEVONSHIRE.

60261/S

No. 136.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12.37 a.m., 5th December, 1922.)

TELEGRAM.

(Paraphrase.)

4TH DECEMBER. With reference to my code telegram of to-day* regarding Economic Conference.

My Prime Minister asks that Mr. Bonar Law may be informed that the Union Government do not wish their views made public for the present. Until general agreement has been come to between the Dominions on the matter they would prefer that no statement should be published.—ARTHUR FREDERICK.

60232

No. 137.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2.8 a.m., 5th December, 1922.)

TELEGRAM.

4TH DECEMBER. Following from Prime Minister for your Prime Minister:—

Begins: Your message 29th November,† Imperial Economic Conference. I have no objection to such a Conference, and am on the whole favourably inclined to your suggestion. I am, however, opposed to holding it at different time from Prime Ministers' Conference. Custom has grown up to hold Conference on economic and trade questions at the same time as Prime Ministers' Conference. This happened in 1918 and again 1921. While Prime Ministers under your chairmanship discuss question of Empire and foreign policy the other Conference under chairmanship of Colonial Secretary deals with practical economic issues. But Prime Ministers are always available to join in economic discussions, and do so whenever matters of far-reaching importance are discussed. I would suggest that this precedent of the last two Conferences be followed again. Apart from precedent it will be most inconvenient for the Union to be properly represented by Ministers in two great Conferences held in London in the same year. Union Parliament generally sits from January till June, and the latter part of June, as well as in month of July, are available for Conference in London. To send Ministers to London before June while session is on will be practically impossible. But after that I could proceed to London with one or two colleagues who could take part in Economic Conference and call me in whenever grave matters of principle or policy are under discussion. If you find it impossible to delay Economic Conference as I have suggested and decide to hold it in April of (or) thereabouts Government of Union of South Africa would have to be represented by our High Commissioner in London. *Ends.*

—ARTHUR FREDERICK.

* No. 137.

† No. 135.

60968

No. 138.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.35 p.m., 8th December, 1922).

TELEGRAM.

(Paraphrase).

8TH DECEMBER. Secret. My Prime Minister sends following message for you:—

Begins: Idea of holding Imperial Economic Conference as outlined your cable 29th November* is viewed favourably by our Government, which will be prepared to send representatives. It is extremely doubtful if Conference took place about April whether any Ministers could attend as delegates, certainly not more than one, as Session of our Parliament will be in progress at that time, and in all probability will extend well into June.

Late spring, summer, or fall months would be better suited to our convenience for conference purposes.

We agree that number of delegates sent by each Government should not exceed three. *Ends.*

—BYNG.

62684

No. 139.

INDIA OFFICE TO COLONIAL OFFICE.

(Received 20th December, 1922.)

SIR,

India Office, 19th December, 1922.

I AM directed by the Secretary of State for India in Council to transmit to you, for information, copy of telegraphic correspondence with the Government of India on the subject of the proposed Imperial Economic Conference.

Reference to previous correspondence: Letter to the India Office of the 30th November, 1922.†

I am, &c.,

F. W. DUKE.

Enclosure 1 in No. 139.

TELEGRAM FROM THE SECRETARY OF STATE TO VICEROY, COMMERCE DEPARTMENT.

29TH NOVEMBER. P.4659. Prime Minister has sent following telegram to Prime Ministers of Dominions, and I send it to you accordingly:—*[Begins:* As you know . . . *[see No. 135]* . . . Colonies and Protectorates. *Ends.]*

I hope you will concur in my view that India should be represented at the Conference. In spite of the fact that the question of Imperial Preference is not quoted specifically as one of the subjects to be discussed, there is no doubt that it falls within their scope, and representatives of some Governments may be expected to bring the question up. India's position in relation to this matter, as you will doubtless agree, is very special, as there has been no time for your Government to collect opinions on the Indian Fiscal Commission's recommendations, and to form your own matured opinion. It may seem to you desirable to instruct your representatives that should the question of Imperial Preference be raised they should simply state that for reasons stated in the preceding sentence they cannot join in the discussion. The representatives of India could, of course, usefully participate in the discussion on several other of the suggested subjects.

* No. 135.

† Not printed: it enclosed copy of No. 135.

Enclosure 2 in No. 139.

TELEGRAM FROM VICEROY, COMMERCE DEPARTMENT.

8TH DECEMBER. P. Your important telegram of the 29th November received asking for our views on the proposal that an Imperial Economic Conference should be held next spring, in advance of, and distinct from, the Imperial Conference.

The various subjects which are indicated as possible subjects for consideration represent, we recognize, merely provisional and tentative ideas, and there is no necessity to draw your attention to the fact—which, indeed, you recognize—that there have been discussions on some of these subjects at Conferences of recent dates. We need only refer to the 1920 and 1921 Conferences on Customs, Forestry, Patents and Statistics. Moreover, the Imperial Shipping Committee and the Imperial Mineral Resources Bureau exist for the very objects His Majesty's Government have in view. At the same time we appreciate the importance of the issues raised, not only to the United Kingdom, but also, though possibly in a less degree of immediate urgency, to the Empire, by the progressive deterioration of purchasing power and economic conditions in Europe; and we agree in principle that the urgency of these problems makes it well worth consideration whether they should not be remitted to a Common Council of the Empire for re-examination, in the hope of finding a solution equally advantageous to India, the Dominions, and the Home Government. India will certainly agree to participate in the proposed Conference if the Dominions' reply is favourable, and if they are prepared to co-operate. It will be understood by His Majesty's Government, however, that in approaching the Conference, the Government of India must adopt some degree of reserve. We take it that one possible line of co-operation between India and the United Kingdom may lie in plans to accelerate, with finances supplied on favourable terms from home, railway and other developments in India, on the understanding that material, &c., be ordered from British manufacturers. We are becoming more and more inclined to the view that in a bold policy of productive development lies the only permanent solution of India's financial troubles. Such development involves *inter alia* better transport for products, and this means further railway extension. It is necessary to say that if proposals on the above lines are made, we shall examine them with the greatest care, but we feel bound to indicate the existence of certain difficulties. Some of these are of a practical nature. Having regard to the object in view, railway development is the most hopeful form of development, if we have correctly interpreted the trend of ideas which His Majesty's Government have in mind. But the hands of railway administrations are already full with their existing rehabilitation programme. It is doubtful whether they can spend with advantage more than the money already earmarked for rehabilitation, and as a charge on revenue is involved in most capital expenditure on rehabilitation, more money could not be provided by us without embarrassment. With regard to new construction, certain preliminaries, such as surveys, would need to be undertaken, and before any large programme of new construction could be embarked upon, probably a year's delay must take place; nevertheless we should be prepared to examine (? any scheme) with the greatest care, and would do our utmost to speed up preliminary work provided that other conditions can be arranged to mutual advantage. There is also another difficulty, but of a different nature. The whole trend of Indian thought and Indian feeling is, as you are aware, on the side of decreasing, rather than increasing, India's dependence on the United Kingdom for manufactured articles, and it may be that an alteration in our fiscal policy may be made with this end in view. It is probable that Indian opinion would regard with great disfavour any proposals which might bear the construction that their intention was to base the future commercial connexion between India and the United Kingdom on an increase in the export of raw materials from India to England, and the import of manufactured articles into India from England.

If had been thought necessary that these points should be mentioned.

His Majesty's Government will doubtless realize that it will be necessary to have our Legislature behind us in carrying into effect any proposals that may be made, and this may not be easy in view of what we have said; but as already stated, if the proposed Conference is agreed to by the other Dominions, India will certainly desire to participate, and our representatives will attend with every desire to surmount difficulties and to be helpful. In regard to Imperial Preference, the

Government of India reserves full liberty of action for their representatives, even, if necessary, for the reasons given in your telegram, No. 4659, to the extent of their abstaining from discussion on that subject. We understand that the question of overseas settlement excludes all discussion of emigration of Indians.

We agree that not more than three representatives should be sent.

As regards date of Conference, date provisionally suggested is awkward for us, and we should prefer May, or, better still, June. It will be necessary to brief our representatives very carefully. It will be difficult for our Departments to prepare the briefs during the sittings of the Legislature, as the time of our leading officials will be largely occupied with work of Legislature.

986

No. 140.

NEWFOUNDLAND.

* THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10.40 p.m., 4th January, 1923.)

TELEGRAM.

4TH JANUARY. Your telegram 29th November.* Prime Minister considers that Conference as suggested might be of very distinct advantage to the Empire. As Newfoundland Legislature is in session April-May, Prime Minister considers that he might be suitably and efficiently represented by Lord Morris, to act for him either alone or in conjunction with other representatives.—ALLARDYCE.

4550

No. 141.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.42 a.m., 25th January, 1923.)

TELEGRAM.

[Answered by No. 147.]

25TH JANUARY. Your telegram of 29th November.* My Prime Minister desires me to convey his thanks to the Prime Minister of Great Britain for his message relative to the proposal to hold an Imperial Economic Conference this year. Mr. Massey greatly regrets, however, that it will be impossible for him to attend such a Conference, but states that if Conference is held he will endeavour to arrange for representation of New Zealand probably by the High Commissioner. He regrets also his inability to attend a meeting of Imperial Conference this year.—JELlicoe.

4560

No. 142.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.42 a.m., 25th January, 1923.)

TELEGRAM.

(Extract.)
(Paraphrase.)

My Prime Minister asks me to state as regards the meeting of the Imperial Conference, that in his opinion it should stand over until next year—it would be impossible for him to go to one this year.—JELlicoe.

* No. 135.

5913

No. 143.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.29 p.m., 2nd February, 1923.)

TELEGRAM.

2ND FEBRUARY. Prime Minister has asked me to send following telegram to you:—

Begins: In reply to your telegram of 29th November* re proposed Economic Conference, Commonwealth is alive to the importance of improving the Empire Economic relations, and as you know, Prime Minister holds very decided views on the necessity of developing the Empire's trade, and has set these out on very many occasions in Britain both during and after the War.

Australia has done everything in her power to encourage trade between various parts of the Empire, and particularly with Great Britain. She has given Britain very great advantage under her tariff, has concluded a reciprocal tariff with New Zealand, and is carrying on negotiations with Canada for a similar purpose.

As the Prime Minister of the United Kingdom knows, while under the Commonwealth tariff Britain is accorded preference on practically every item, the preference granted to Australia under British tariff does not go very far, and Australian goods have to face very keen competition of foreign countries in British market. Quite recently, as is well known, a most invidious distinction was made between Canadian and Australian products under the Cattle Embargo Act. The position, then, seems to be one which calls for action by Britain rather than mere discussion. If you want us to buy more British goods there is only one way in which it can be done—Britain must buy more Australian products; that is the position. And it is respectfully suggested that Britain might with great advantage to herself and to the Empire give products of Australia preference over foreign goods in British markets.

It is not necessary to stress the importance of Empire trade development or value of Dominions markets for British goods. Australia is one of the very best markets British manufacturers have. No European country compares with it, and if given suitable encouragement it will become a still better market. All facts are perfectly well known; a Conference cannot alter them nor can it do anything more than pass the resolution. What is really wanted is action by Britain. *Ends.*

—GOVERNOR-GENERAL.

9925

No. 144.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.30 a.m., 24th February, 1923.)

TELEGRAM.

[Answered by No. 146.]

24TH FEBRUARY. Following from Prime Minister for your Prime Minister:—

Begins: With further reference to your telegram 29th November,* my colleagues and I have again considered the question of participation in Economic Conference. Whilst appreciating the difficulties which exist, and which have hitherto prevented better understanding being arrived at between Great Britain and Dominions with regard to reciprocal tariff arrangement, it is strongly felt that present position of world's trade is such that question should be again definitely raised for consideration of Government and people of Great Britain. Whether Conference can achieve all those things which

* No. 135.

you suggest for discussion is doubtful, but presence of Dominions Ministers in Great Britain, with the object of discussing definite issues, would do a great deal to create proper atmosphere and make for reasonable chance of success. In my opinion difficulties are all at your end. Dominions are anxious and willing to co-operate. Suggest that definite Agenda be drawn up and date fixed for meeting of Conference. It is useless to approach such a Conference unless prepared to face the practical issue. Commonwealth's position such that it will have to press some further preference in return for substantial preference granted British goods.

With regard to Imperial Conference referred to in your telegram above mentioned, my colleagues and I consider this of paramount importance. Defence question is becoming very vital in Australia, and importance of arriving at understanding between Great Britain and Dominions before any further action is taken cannot be too strongly emphasized. Consider that both Conferences should take place simultaneously, as success of Economic Conference depends absolutely upon presence of Prime Minister, who could not spare time to visit England on two separate occasions. Many matters of importance, such as foreign policy, communications, etc., in addition to defence policy, necessitate early consultation. So far as Australia is concerned, September or October should be satisfactory time. Several outstanding questions which must await result of decision arrived at make the holding of Conferences this year very important to Australia. *Ends.*

—GOVERNOR-GENERAL.

9925

No. 145.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 7.0 p.m., 28th February, 1923.)

TELEGRAM.

[Answered by Nos. 148, 150 and 153.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

28TH FEBRUARY. Following from Prime Minister for your Prime Minister:—

Begins: Answers to my message of 29th November* as to suggested Imperial Economic Conference now complete, and I find that it is generally agreed that it would be of advantage to hold such a Conference. I gather, however, that there is a feeling that the best results would not be achieved if an Economic Conference were held independently of a Conference of Prime Ministers, and therefore that it would be best to hold Imperial Economic Conference and a meeting of the Imperial Conference concurrently.

Prime Ministers present at the latter would thus be enabled to be in constant consultation with their colleagues who were taking part in the former, and, if necessary, could themselves attend the most important meetings of the Economic Conference.

This procedure would be quite in accordance with views of Cabinet here, and for myself I should greatly welcome opportunity of discussing this year with my fellow Prime Ministers the many urgent problems of foreign policy and defence which confront us.

As to dates, it would be impossible to make necessary preparations before June at earliest, and the answers to my message of 29th November indicate that meeting in autumn would be preferred.

We accordingly suggest that both Conferences should open about 1st November, 1923, in London.

Please let me know as soon as you can whether you agree to holding both Conferences concurrently, and whether time suggested will suit you.

* No. 135.

As to agenda for Economic Conference we would send you as soon as possible detailed list of subjects suggested for discussion.

As to agenda for Imperial Conference, our idea would be that arrangements should follow generally those for 1921 Conference.

Similar telegram sent to other Prime Ministers. *Ends.*

—DEVONSHIRE.

9925

No. 146.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.0 p.m., 28th February, 1923.)

TELEGRAM.

[Answered by No. 149.]

My telegram of 28th February.* Following from Prime Minister for your Prime Minister:—

Begins: Many thanks for your telegram of 24th February,† as to Economic and Imperial Conferences. I am answering it in my message of to-day, but I feel bound to make clear to you position of present British Government on tariff question. I announced before election that this Parliament would not make any fundamental change in the fiscal system of this country, and pledge has since been repeated several times in Parliament here. Hence, when discussing any proposals put forward with regard to preference, our attitude would necessarily be governed by this pledge. This will not, however, prevent you from raising the subject, but I feel sure that you will agree that a broad policy of economic co-operation such as we hope to realize must include much that is not fiscal, and I am confident that proposed Economic Conference could do useful work in many directions. *Ends.*

—DEVONSHIRE.

9925

No. 147.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.0 p.m., 28th February, 1923.)

TELEGRAM.

[Answered by No. 152.]

My telegram of 28th February,* Economic and Imperial Conferences. Following from Prime Minister for your Prime Minister:—

Begins: I shall not give up hope that you may be able to come personally to meeting of Prime Ministers in the autumn, though I quite appreciate your difficulties. *Ends.*

—DEVONSHIRE.

11351

No. 148.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.22 p.m., 3rd March, 1923.)

TELEGRAM.

[Answered by No. 158.]

3RD MARCH. Your telegram 28th February.* Following from Prime Minister for your Prime Minister:—

Begins: Prime Ministers and Economic Conferences. I agree to your proposal to hold both Conferences concurrently. 1st November is, however, quite unsuitable date for Union to attend Conference as Parliament Session begins shortly afterwards. 1st September at latest would be suitable date,

* No. 145.

† No. 144.

and I understand Australia also would prefer to meet earlier than November. Postponement to 1st November would make it practically impossible for Union to attend either Conference, and in that case I would prefer postponement till summer of next year. *Ends.*

Above represents utmost effort on the part of my Ministers to fall in with your programme, and I am personally aware that they would much prefer to meet earlier than 1st September, which is absolutely latest date they could manage.—ARTHUR FREDERICK.

11690

No. 149.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.50 p.m., 5th March, 1923.)

TELEGRAM.

5TH MARCH. Following from my Prime Minister:—

Begins: Your telegram 28th February,* in which you refer to fiscal pledges given by your Government, I fully understand the position you are placed in by reason of pledges referred to. These pledges, however, would not debar you from assenting to some of proposals my Government would submit. They would not involve any fundamental change in your fiscal system, or in your maximum tariff rate. For example, where preference at present exists in favour of the Dominions, such preference could be increased. While such assistance, if it could be accorded by Britain, will be welcomed by Australia, it must be recognized that even this does not exhaust all that we consider should be done to ensure proper economic organization of Empire, and I will in this connexion of necessity raise further points at Conference.

I await receipt of agenda, and strongly urge meantime British Government to consider what definite proposals they intend to put forward in exchange for maintenance of, or increase in, present preference granted by Dominion to British goods. *Ends.*

—GOVERNOR-GENERAL.

11788

No. 150.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.23 p.m., 5th March, 1923.)

TELEGRAM.

[Answered by No. 159.]

5TH MARCH. Following from my Prime Minister:—

Begins: Your telegram of 28th February.† So far as can be ascertained at this juncture, the suggested date for the Imperial and Economic Conferences quite satisfactory.

As intimated in my telegram of the 24th February,‡ consider if two separate conferences intended they should take place simultaneously. However, I am strongly of the opinion that the best results would be achieved by dealing with economic subjects as part of the Imperial Conference. So far as I can tell at present, I shall not be accompanied by any of my colleagues, and even if delegation of more than one could be arranged, the wide range of subjects suggested in your telegram of 29th November,§ covering shipping, technical research, unification of laws, taxation, etc., could hardly be dealt with effectively by anyone but the head of the Government. Difficulty of holding such a conference separately and concurrently appears to me to be insuperable; deliberation probably would be unduly prolonged and no finality reached. At best Conference could emerge with recommendations only, which would have to be then considered as such at meetings of Prime Ministers.

* No. 146.

† No. 145.

‡ No. 144.

§ No. 135.

While thoroughly agreeing with you that Economic Conference very desirable, and an Imperial Conference necessary, I certainly do not want to undertake long and arduous journey unless some practical results are to be achieved. I suggest, therefore, for your serious consideration, that Economic proposal(s) should be considered at meeting of Imperial Conference. This would considerably shorten discussion, and probably result in definite conclusions being arrived at. *Ends.*

—GOVERNOR-GENERAL.

11897

No. 151.

HOUSE OF COMMONS.

(8th March, 1923.)

Imperial Conference.

MR. HURD asked the Prime Minister whether he will invite the Dominion Governments to say whether it would facilitate their desire for an Imperial Conference this year if the gathering took place at some half-way house of the Empire, such as the new Parliament buildings at Ottawa?

THE PRIME MINISTER: We have assumed that it would be generally desired that any meeting of the Imperial Conference which may be arranged this year should be held in London.

MR. HURD: Is it not desirable to make inquiry on the subject?

THE PRIME MINISTER: Not in this case, as we assumed that London would be preferred

12842

No. 152.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.42 a.m., 12th March, 1923.)

TELEGRAM.

[Answered by No. 160.]

12TH MARCH. Reference to personal message from Mr. Bonar Law transmitted in your telegram of 28th February,* my Prime Minister has informed me that much as he regrets the fact he cannot see the slightest chance of his being able to leave New Zealand either for the Imperial or Economic Conference, owing to the difficulties connected with the present political situation. He adds that in his opinion it would be futile for any other representative than the Prime Minister to act on behalf of the Dominion at the Imperial Conference, although probably might be possible to arrange for suitable representation at any Economic Conference which it might be considered desirable to hold.—JELlicoe.

13304

No. 153.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.40 p.m., 14th March, 1923.)

TELEGRAM.

[Answered by No. 160.]

14TH MARCH. Following for Prime Minister from my Prime Minister:—

Begins: I have discussed your telegram 28th February† with my colleagues. If a Conference of Prime Ministers is to be held in London this year we concur in proposal that Imperial Economic Conference and Conference of Prime Ministers should be held concurrently. As for the time we are most anxious that both of these Conferences should begin not later than 1st October; later date than this would greatly inconvenience preparation for next winter session of Parliament. We should be glad to receive proposed Agenda for Economic Conference, and, if possible, some more definite indication of subjects for discussion at Conference of Prime Ministers. *Ends.*

—BYNG.

* No. 147.

† No. 145.

13503

No. 154.

The following copies of telegrams were received from the India Office on the 15th of March, 1923.

(1)

TELEGRAM TO VICEROY, COMMERCE DEPARTMENT, DATED 2ND MARCH, 1923.

891. FOLLOWING telegram has been sent by Prime Minister to Prime Ministers of Dominions, and I am accordingly sending it to you:—

[*Begins:* Answers to my message of 29th November* . . . [see No. 145] . . . should follow generally those for 1921 Conference.] *Ends.*

As it is out of the question to hold these Conferences in the summer, do you see any objection to 1st November being fixed? This might have the advantage of enabling a delegate or delegates attending the Assembly at Geneva to be appointed to represent India at one or other of these Conferences, the month of October being spent in London in preparation.

(2)

TELEGRAM FROM VICEROY, COMMERCE DEPARTMENT, to SECRETARY OF STATE FOR INDIA.

(Received 9 a.m., 12th March, 1923.)

DELHI. 11th March, 1923. We have received your telegram of the 2nd March, 891, which foreshadows the holding this year of an Imperial Conference, in addition to the Imperial Economic Conference.

2. We have already represented to you in our telegram of the 8th December,† that whilst we are very desirous to approach the Imperial Economic Conference in the most helpful spirit possible, considerations may easily arise at it which may prove very difficult for us. We, therefore, consider that we ought (?) only to be represented at it by the best men we can spare, on whom we can rely as knowing at first hand the conditions and feeling in India, and able also to explain and maintain them. On this occasion, the proposed date, 1st November, is most inconvenient to us. In that case, our representative would in all probability not return to India till January or later. The new session of our Legislature will open in early January, and we shall be seriously embarrassed, in dealing with newly-elected Legislative Assembly, if our representatives do not return some weeks before January. Thus, whilst we wish to assist, we would strongly urge that the Economic Conference open latter half September, or at the latest on 1st October.

3. The proposal to hold concurrently an Imperial Conference strengthens our opinion as, though it may ultimately prove helpful to have Prime Ministers at hand to refer to, the need for dovetailing in, on certain occasions, the sittings of two conferences must tend to prolong the Economic Conference.

4. Subjects usually discussed at the League of Nations are not such as seem to us to require attendance of Prime Ministers or of representatives who would normally represent their countries at an Imperial Economic Conference. We therefore hope that the meeting of the League of Nations may not be allowed to affect the date fixed for the Imperial Conference.

5. In the past, India's representation at an Imperial Conference has formed the subject of personal telegrams. I presume that this will be dealt with separately, but a date earlier than 1st November would, for similar reasons, suit us better.

6. We would ask you, therefore, to use your best endeavours to get the proposed date advanced as suggested by us, and to advise us as soon as possible.

* No. 135. † Enclosure 2 in No. 139.

14393

No. 155.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.40 a.m., 20th March, 1923.)

TELEGRAM.

[Answered by No. 159.]

20TH MARCH. Following from my Prime Minister:—

Begins: Press messages here purporting to be official, state there is prospect of Imperial Conference being postponed until next year. Same report states that South Africa agreeable to both Conferences being held in September or October this year, Canada and Australia likewise, while New Zealand and Newfoundland uncertain.

I sincerely trust there will be no postponement. It will be very difficult at any time to fix a date quite convenient for all Dominions, but on the other hand subjects to be discussed are vital and urgent. Our own defence policy rests very largely on what transpires at the Conference.

In connexion with the Economic Conference, importance of which you stress in your telegram of 29th November, 1922,* and your telegram of 24th January, 1923,† as urgent, the report before me states that the Imperial Authorities suggest that this should be held in September or October this year, and that its work will be subject to reconsideration, ratification, or amendment by an Imperial Conference next year. Unnecessary to point out that the work of the Imperial Conference must in turn receive reconsideration, ratification or amendment of each Dominion Parliament before being translated into law. So no practical result can be effected from the Economic Conference until at least 1925. Your telegrams quoted above suggest that the subjects in your mind are so important and urgent they will not admit of such delay.

I sincerely trust, therefore, that there shall be no suggestion of abandonment or postponement until every possible avenue has been exhausted, and Dominions fully consulted. *Ends.*

—GOVERNOR-GENERAL.

13123

No. 156.

HOUSE OF COMMONS.

20TH MARCH, 1923.

Imperial Economic Conference.

MR. JARRATT asked the Prime Minister (1) whether representatives of the Crown Colonies have been invited to attend the forthcoming Imperial Economic Conference;

(2) Whether opportunity will be given to Parliament to consider in advance the agenda for the forthcoming Imperial Economic Conference; and whether suggestions for such agenda will be accepted from others than members of His Majesty's Imperial and Dominion Governments?

THE PRIME MINISTER: I hope that the list of subjects to be included in the agenda for the Imperial Economic Conference will be settled, in consultation with the Governments of the Dominions and India, in time to allow of their being announced, and considered by the interests concerned in the various parts of the Empire, before the Conference meets.

The President of the Board of Trade has already intimated on behalf of His Majesty's Government that when the arrangements for the Conference have been definitely settled, it is his intention to take steps to consult the representatives of commerce and industry in this country.

It is contemplated that the Conference should include representation of the Colonies and Protectorates, but the form of representation has not yet been settled.

* No. 135. † 58204: not printed; reminder.

14815

No. 157.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 2.25 p.m., 23rd March, 1923.)

TELEGRAM.

23RD MARCH. My telegram 28th February.* Indications now are that 1st October would be most generally acceptable opening date for Prime Ministers' and Economic Conferences, though it is not yet possible to make any definite announcement. We assume that this alteration of date would not be inconvenient to Newfoundland.—DEVONSHIRE.

14815

No. 158.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.50 p.m., 23rd March, 1923.)

TELEGRAM.

[Answered by No. 162.]

23RD MARCH. Following from Prime Minister for your Prime Minister:—

Begins: We considered your telegram of 3rd March† in Cabinet 21st March, together with replies from other Dominions and India. There is general agreement with you that 1st November is too late for commencement of Prime Ministers' and Economic Conferences, but all indications are that 1st October is the opening date most generally acceptable. This date would be far more suitable than 1st September for us, since otherwise there would be practically no interval between end of our Session and Conferences.

I much hope you will agree to 1st October, for I greatly fear that the 1st September could not be arranged. Please let me know immediately, as I should like to make early announcement in Parliament, if possible before House rises for Easter.

We can go into details of procedure later, but you will like to know that our idea is to give priority if possible, in point of time, to Economic Conference. *Ends.*

—DEVONSHIRE.

14815

No. 159.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.25 p.m., 23rd March, 1923.)

TELEGRAM.

[Answered by No. 163.]

FOLLOWING from Prime Minister for your Prime Minister:—

Begins: I brought your telegrams of 5th March and 20th March† before Cabinet 21st March, together with replies from other Dominions and India. All indications are that 1st October is most generally acceptable opening date for Prime Ministers' and Economic Conferences, but Smuts is anxious for 1st September. This would mean practically no interval between end of our Session here and beginning of Conferences, and I am pressing Smuts to agree to 1st October. I assume that this date will be suitable for you.

* No. 145. † No. 148. ‡ Nos. 150 and 155.

We have considered your suggestion to deal with economic subjects as part of Imperial Conference, but are clear that it would be better to have two distinct Conferences, though our present idea is to give priority, if possible, in point of time, to Economic Conference.

I hope that you will agree, but I venture to suggest to you that it would be most desirable that you should arrange to be accompanied on your visit by at least one of your colleagues, as we fear that your undertaking the work of two conferences singlehanded would result in an almost intolerable strain.

As to your telegram of 20th March, I have been careful to give only non-committal replies in Parliament so far, and reference to ratification of work of Economic Conference by an Imperial Conference next year is quite unauthorized.

I am anxious to make a definite announcement next week as to holding of both Conferences and as to opening date, so I should be grateful for a very early reply. *Ends.*

—DEVONSHIRE.

14815

No. 160.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 3.35 p.m., 23rd March, 1923.)

TELEGRAM.

(Canada.)

(New Zealand.)

[To Canada: 23rd March. Your telegram 14th March.*] [To New Zealand: Your telegram 12th March.†] Following from Prime Minister for your Prime Minister:—

Begins: We considered your telegram in Cabinet 21st March, together with replies from other Dominions and India. All indications are that 1st October is most generally acceptable opening date for Prime Ministers' and Economic Conferences, but Smuts is anxious for 1st September. This would mean practically no interval between end of our Session here and beginning of Conferences, and I am pressing Smuts to agree to 1st October. I hope to be able to make an announcement next week in Parliament as to the opening date, and I will let you know further when I receive Smuts's reply.

Our present idea is to give priority, if possible, in point of time, to Economic Conference.

[To New Zealand: We are very sorry that you feel it impossible to attend Prime Ministers' Conference this year.] *Ends.*

—DEVONSHIRE.

14453

No. 161.

HOUSE OF COMMONS.

(26th March, 1923.)

Imperial Conference.

MR. STURROCK asked the Prime Minister whether this House will have an opportunity of discussing the agenda for the impending Imperial Conference before it is finally determined, so that Members may have an opportunity of putting forward suggestions?

THE PRIME MINISTER: If there is a general desire for such discussion, I shall consider whether it will be possible to find time for it later in the Session.

* No. 153. † No. 152.

15633

No. 162.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.35 p.m., 26th March, 1923.)

TELEGRAM.

[Answered by No. 167.]

26TH MARCH. Your telegram 23rd March.* Following from my Prime Minister:—

Begins: Although 1st October is very inconvenient date for me, I agree to it under the circumstances. I have, however, cable from Bruce that 1st November is the earliest date he can attend.* Unless it is definitely agreed to by all concerned that Conference is to begin on 1st October, it would be best to face situation at once and postpone Conference to next year. Union Parliament meets in January, and latest date I can continue to attend Conference is end of October. *Ends.*

—ARTHUR FREDERICK.

15592

No. 163.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.36 p.m., 26th March, 1923.)

TELEGRAM.

[Answered by No. 164.]

26TH MARCH. Confidential. Following for Prime Minister from my Prime Minister:—

Begins: Your telegram of 23rd March.† Imperial and Economic Conferences. Your suggestion that Conference should open 1st October noted. I note also from your telegram Smuts suggests 1st September, but if this is agreed upon it would leave no interval between the end of your Session and the beginning of the Conference. This is precisely the position in which I am placed and, as the House has requested the opportunity to discuss Imperial foreign policy and economic relations before my departure, it is quite out of the question for me to attend to this discussion as well as ordinary work of Parliament, which must be accomplished and arrive in London before October; in fact it seems now that I shall not arrive before November.

Have cabled Smuts direct, setting out my position, and asking that he agree to the latest date possible, which I hope, to avoid my absence from the opening Session, will be 1st November.

With regard to the suggestion that it would be better to have two distinct Conferences, I am still of the opinion that no good purpose would be served thus, inasmuch as the Imperial Conference of Prime Ministers must necessarily consider the suggestions of any Economic Conference and, if results are to be achieved, Prime Ministers either must attend both Conferences or consider the proposals of the Economic Conference at the Imperial Conference.

Simplicity would therefore suggest that the Economic subjects be placed on the agenda of the Imperial Conference. I do not wish to labour this point, which will be perfectly clear to you, but if the two Conferences are held simultaneously, it would necessitate the presence of another of my Ministers, and in my opinion would not seriously curtail the discussion. At this stage the attendance of extra Ministers entails great difficulties, and could be agreed to only if absolutely necessary.

I quite understand all the difficulties with which you are confronted owing to the varied political circumstances of the Dominions, as well as your own problems, and as far as I am concerned will do my best to meet the position. For the reasons given above, however, I am in somewhat difficult position, and would like to receive the fullest possible information and be given as much time as possible before the Conference.

* No. 158.

† No. 159.

I am glad to note that the suggestion for the postponement of the Imperial Conference until next year did not come from you. A postponement in my opinion is most undesirable. *Ends.*

—GOVERNOR-GENERAL.

15592

No. 164.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 9.40 p.m., 27th March, 1923.)

TELEGRAM.

[Answered by No. 165.]

27TH MARCH. Your telegram of 26th March.* Following from Prime Minister for your Prime Minister:—

Begins: Have now received telegram from Smuts as follows:—

Begins: Although 1st October . . . [See No. 162] . . . end of October *Ends.*

I agree with you that postponement of Prime Ministers' Conference until next year is most undesirable. The difficulties in arranging any other opening date than 1st October are, however, so great that I do not really see any alternative to arranging for meetings to start on 1st October as proposed in the hope that state of Parliamentary business in Commonwealth will permit of your arriving by then.

Can I now say definitely that you will fall in with above arrangement and will be here by 1st October or as early as possible afterwards?

I do not think that you will find that holding two Conferences over same period with different agenda will turn out in practice to be inconvenient. We did this in 1917 and 1918 when Imperial War Cabinet and Imperial War Conference met, usually on alternate days. Arrangement worked quite well and allowed of subjects on agenda of Conference which involved questions of principle being referred to Cabinet: e.g., question of Imperial Preference, see page 114 of published 1917 Proceedings [Cd. 8566.] I am very sorry that so many complications have arisen over dates, and I greatly appreciate your readiness to help. *Ends.*

—DEVONSHIRE.

16231

No. 165.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.45 a.m., 30th March, 1923.)

TELEGRAM.

[Answered by No. 170.]

30TH MARCH. Following for Prime Minister from my Prime Minister:—

Begins: Your telegram 27th March.† I quite understand position, and in the circumstances will endeavour to attend 1st October or shortly afterwards. If both Conferences must complete their deliberations by the end of October, necessary that we should have agenda and all possible information before us at an early date. I suggest that an expert committee be instructed to prepare and put before us at once British Government's proposals regarding Economic Conference. We could then concentrate on practical proposals. The time is so limited that a general discussion over a wide range of subjects undesirable. *Ends.*

—GOVERNOR-GENERAL.

* No. 163.

† No. 164.

20808

No. 166.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 187.]

(Confidential.)

SIR, Downing Street, 6th April, 1923.
I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, copies of telegrams* to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa and the Governor of Newfoundland, regarding the proposal to hold during the present year a meeting of the Imperial Conference and an Imperial Economic Conference.

2. Since these telegrams, further correspondence has taken place, as the result of which it has been arranged that the opening date for both Conferences shall be 1st October, and I enclose an advance copy of an announcement† which the Prime Minister proposes to make in Parliament on Monday next.

3. I shall be glad if you will intimate to your Ministers that His Majesty's Government will cordially welcome representatives of the Irish Free State at the meetings of the Imperial Economic Conference, and hope that the President of the Executive Council will be able to attend the Imperial Conference.

4. As regards the latter, I think it may be of use to your Ministers to be in possession of the enclosed copies of the Summary of Proceedings of the Conference of Prime Ministers and representatives of the United Kingdom, the Dominions, and India, held in June, July, and August, 1921, published as a Parliamentary Paper (Cmd. 1474.)

5. I shall, of course, keep you fully informed of any further developments in the matter.

I have, &c.,
DEVONSHIRE.

16231

No. 167.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 10.30 a.m., 7th April, 1923.)

TELEGRAM.

YOUR telegram 26th March.‡ Following from Prime Minister for your Prime Minister:—

Begins: I have now heard from Bruce that he will try to be in London by 1st October. I propose, therefore, on Monday next when Parliament meets again to make announcement, terms of which are being telegraphed to you separately.

I expect to be able to send you by telegram shortly detailed list of subjects referred to in my message of 28th February.§ As regards subjects in this list proposed by British Government, we hope to have memoranda prepared in good time beforehand, and it would certainly facilitate matters if other Governments could follow similar course as regards subjects which they propose.

As to agenda for meeting of Imperial Conference, I will have the necessary preparations put in hand at once. *Ends.*

—DEVONSHIRE.

* Nos. 135 and 145. † See No. 172. ‡ No. 162. § No. 145.

16231

No. 168.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Sent 10.30 a.m., 7th April, 1923.)

TELEGRAM.

7TH APRIL. My telegram 23rd March.* Prime Minister proposes on Monday next, when Parliament meets again, to make announcement, terms of which are being telegraphed to you separately.—DEVONSHIRE.

16231

No. 169.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 10.30 a.m., 7th April, 1923.)

TELEGRAM.

[Answered by No. 173.]

(Canada.)

(New Zealand.)

7TH APRIL. My telegram 23rd March.† Following from Prime Minister for your Prime Minister:—

Begins: I have now heard that Smuts will agree to 1st October as the opening date for meeting of Imperial and Economic Conferences, and accordingly propose on Monday next, when Parliament meets again, to make announcement, terms of which are being telegraphed to you separately.

I expect to be able to send you by telegram shortly detailed list of subjects referred to in my message of 28th February.‡ As regards subjects in this list proposed by British Government, we hope to have memoranda prepared in good time beforehand, and it would certainly facilitate matters if other Governments could follow similar course as regards subjects which they propose.

As to agenda for meeting of Imperial Conference, I will have the necessary preparations put in hand at once. *Ends.*

—DEVONSHIRE.

16231

No. 170.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 10.40 a.m., 7th April, 1923.)

TELEGRAM.

7TH APRIL. Your telegram 30th March.§ Following from Prime Minister for your Prime Minister:—

Begins: I am very glad to hear that you will try to be in London by 1st October. I now propose on Monday next, when Parliament meets again, to make announcement, terms of which are being telegraphed separately.

We had anticipated suggestion in latter part of your telegram, and appointed a committee last December to prepare material for Economic Conference. They have already made considerable progress, and I expect to be able to send you by telegram shortly, detailed list of subjects referred to in my message of 28th February.‡ As regards subjects in this list proposed by British Government, we hope to have memoranda prepared in good time beforehand, and it would certainly facilitate matters if other Governments could follow similar course as regards subjects which they propose.

As to agenda for meeting of Imperial Conference, I will have the necessary preparations put in hand at once. *Ends.*

—DEVONSHIRE.

* No. 157. † No. 160. ‡ No. 145. § No. 165.

16231

No. 171.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 10.50 a.m., 7th April, 1923.)

TELEGRAM.

[Answered by No. 173.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

7TH APRIL. My telegram 7th April.* Following is announcement which Prime Minister proposes to make regarding Imperial and Economic Conferences:—

Begins: I am glad to be able to inform the House . . . [See No. 172.]

. . . but I hope that all the other Prime Ministers will be present. *Ends.*

—DEVONSHIRE.

18001

No. 172.

HOUSE OF COMMONS.

(9th April, 1923.)

Imperial Conference and Imperial Economic Conference.

SIR J. NORTON-GRIFFITHS (*by private notice*) asked the Prime Minister whether he is now in a position to make a statement as to the proposed meeting of Prime Ministers, and as to the Imperial Economic Conference.

THE PRIME MINISTER: I am glad to be able to inform the House that it has now been found possible to arrange for the proposed Imperial Economic Conference, and also for a meeting of the Imperial Conference, similar to that held in 1921, to take place this year.

The two conferences will be held concurrently, and it has been agreed that the opening date should be 1st October.

It is anticipated that all the Dominions and India will be represented at the Imperial Economic Conference, and, with the exception of New Zealand, at the Imperial Conference also. I am sorry to say that the Prime Minister of New Zealand does not expect to be able to attend the latter, but I hope that all the other Prime Ministers will be present.

SIR J. NORTON-GRIFFITHS: Can the right hon. gentleman say whether the Crown Colonies will be represented?

VISCOUNT CURZON: Can the right hon. gentleman say whether at the Imperial Conference the question of Imperial defence will be considered?

THE PRIME MINISTER: Yes, most certainly.

CAPTAIN BERKELEY: Since the Prime Minister is unable to attend the Conference, will the right hon. gentleman consider the propriety of inviting the High Commissioner of New Zealand to attend in his place?

THE PRIME MINISTER: We will leave that for the Prime Minister to decide.

17577

No. 173.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.30 a.m., 9th April, 1923.)

TELEGRAM.

[Answered by No. 176.]

9TH APRIL. Confidential. Your two telegrams of 7th April† regarding proposed announcement Mr. Bonar Law concerning the holding of Imperial Economic and Imperial Conferences. Mr. Massey has written to me as follows:—

* Nos. 167, 168, 169 and 170.

† Nos. 169 and 171.

Begins: I would like to point out that so far as my position is concerned, we have had one short parliamentary session already since General Election, and I do not think that it would be advisable to convene Parliament again before the usual time, which is June. When Parliament meets I will explain the position to the House and members will be afforded an opportunity for discussing it. It is just possible, of course, that some arrangement more or less satisfactory may be made, and in such case if dates of opening of the Conferences fixed for 1st November instead of 1st October as is now proposed, it would have suited the representation of New Zealand much better. *Ends.*

—JELlicoe.

18056

No. 174.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.30 a.m., 11th April, 1923.)

TELEGRAM.

[Answered by No. 177.]

(Paraphrase.)

11TH APRIL. Private and Personal. My Prime Minister would be greatly assisted I think, and it would tend to focus public attention still further on Imperial interests involved if Mr. Bonar Law could see his way to send a telegram through me to Mr. Massey, emphasizing the great importance of the proposed Imperial Conference this year, and expressing the hope that it may still be found possible for the Prime Minister of New Zealand to come to London.—JELlicoe.

18236

No. 175.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.10 p.m., 11th April, 1923.)

TELEGRAM.

[Answered by No. 179.]

11TH APRIL. Secret. It is proposed to lay before Parliament following telegrams relating to the Imperial Economic Conference and Conference of Prime Ministers: Your telegram of 29th November, 1922, my telegram 8th December, 1922, Secret, your telegram of 28th February, 1923, my telegram of 14th March, your telegram of 23rd March, your telegram of 7th April, and your telegram of 7th April.* Ministers enquire whether there would be any objection to presentation of this correspondence.—BYNG.

17577

No. 176.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.22 p.m., 11th April, 1923.)

TELEGRAM.

11TH APRIL. Confidential. Your telegram of 9th April† I have shown your Prime Minister's message to Prime Minister, who has asked me to reply that he is very sorry if 1st October should prove less convenient to New Zealand than 1st November for opening of Economic and Imperial Conferences, but that former date appeared only possible one if Conferences were not to be postponed till next year. We did not read your Prime Minister's message as suggesting that announcement in Parliament should be postponed.—DEVONSHIRE.

* Nos. 135, 138, 145, 153, 160, 169 and 171.

† No. 173.

18056

No. 177.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.40 a.m., 12th April, 1923.)

TELEGRAM.

[Answered by No. 178.]

(Paraphrase.)

12TH APRIL. Private and Personal. Your Personal telegram of 11th April.* The Prime Minister is quite ready to send telegram to Mr. Massey as you suggest, but is inclined to think that if deferred until the list of subjects suggested for discussion at meeting of Prime Ministers has been sent out it would have greater effect. See end of message from Prime Minister of 7th April.†

Do you agree? I hope that the list will be ready by the end of April or early part of May.—DEVONSHIRE.

18770

No. 178.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.30 a.m., 14th April, 1923.)

TELEGRAM.

(Paraphrase.)

14TH APRIL. Private and Personal. I quite agree with the opinion expressed in your telegram of 12th April‡ as to the message being delayed.—JELICOE.

18236

No. 179.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 9.0 p.m., 17th April, 1923.)

TELEGRAM.

17TH APRIL. Secret. Your telegram of 11th April,§ Economic and Prime Ministers' Conferences. No objection to presentation of papers proposed subject to following omissions:—

(1) In Prime Minister's message of 23rd March|| omit words from "but Smuts" down to "1st October" and also words from "and I will" down to "Smuts's reply."

(2) In Prime Minister's message of 7th April† omit words from "I have now heard" down to "accordingly."

Reasons for suggesting above omissions are first, that Smuts has not been consulted, and secondly, that after despatch of Prime Minister's message of 23rd March, Prime Minister of Commonwealth, as intimated in recent speech, also expressed preference for November 1st as opening date for Conferences.—DEVONSHIRE.

18236

No. 180.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 9.0 p.m., 17th April, 1923.)

TELEGRAM.

[Answered by Nos. 182 and 183.]

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

17TH APRIL. Please inform your Prime Minister that Prime Minister of Canada has asked whether any objection to publication of correspondence with Canada concerning Economic and Prime Ministers' Conferences.

* No. 174.

† No. 169.

‡ No. 177.

§ No. 175.

|| No. 160.

Telegrams which Mackenzie King wishes to publish include my telegram of 29th November* and 28th February† containing Prime Minister's messages and also my telegram of 7th April‡ giving text of proposed announcement by Prime Minister in Parliament. After consultation with Prime Minister, Mackenzie King is being informed that we have no objection to publication of correspondence with Canada. I let you know since your Prime Minister may also like to publish Mr. Bonar Law's messages referred to above. Should be glad to be consulted if it is proposed to publish any other of the telegrams to or from you.—DEVONSHIRE.

28759

No. 181.

CANADA.

EXTRACT FROM DEBATES OF THE CANADIAN HOUSE OF COMMONS.

(18th April, 1923.)

ECONOMIC AND IMPERIAL CONFERENCES.

MR. MEIGHEN: May I ask next when the Government will give us some information as to the agenda of the Economic Conference and of the Imperial Conference. The Prime Minister states that as respects one he could lay the papers on the Table; as respects the other he needs some authority. None of the papers are on the Table yet, although the question was first asked about a week ago.

The Right Honourable W. L. Mackenzie King (Prime Minister): I may say to my right honourable friend, that when I spoke with the deputy of the department as to the papers requested, he mentioned that he thought it would be advisable to ask the permission of the British Government before any of them were brought down. That permission was asked immediately, but no response has been received as yet. I will have a further cable sent expressing a desire that consent be given as soon as possible.

MR. MEIGHEN: I wish to protest against this character of answer, and against the suggestion that this House should wait for the permission of the British Government before knowing the agenda of the Economic Conference. We have a right to know that, and to know it at once. It does not concern the British Government when the agenda of the Economic Conference shall be known to us.

MR. MACKENZIE KING: I am very glad to hear what my right honourable friend has just said, because I have been protesting very strongly against having to ask permission to lay on the Table of the House a great many of these documents which seem to me ought to be public property as soon as received. However, I am told that such is the method that has been customary as regards communications between the British Government and our own Government, and that it has been so, not only in recent years, but at all times. I am simply following the procedure that has been held out as the right and proper one; but I may say to my right honourable friend, that if the Conference is held this year, as is anticipated, I certainly intend to have this matter brought up as one of the subjects for discussion.

MR. MEIGHEN: I wish to point out again that what the Prime Minister states has not been the practice with respect to all subjects, and I venture to say that if he will look at the records of two years ago, he will find that at the first request for papers, I brought them down and I made no prior application at all for permission to do so.

* No. 135.

† No. 145.

‡ No. 171.

19953

No. 182.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.50 a.m., 21st April, 1923.)

TELEGRAM.

21ST APRIL. Following from my Prime Minister:—

Begins: Your telegram of 17th April.* Do not consider that any useful purpose would be served by publication of cables exchanged with regard to Economic Conference at this stage and at present do not propose to take any action in this direction, although when my House meets in June I will give them the text of the main cables that have been exchanged on the subject. Publication by Canada, however, of the correspondence concerning Economic and Prime Ministers' Conferences may render it necessary for me to take similar action immediately. *Ends.*

—GOVERNOR-GENERAL.

19997

No. 183.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.9 p.m., 21st April, 1923.)

TELEGRAM.

[Answered by No. 185.]

21ST APRIL. Your telegram of 17th April,* publication of correspondence regarding Prime Ministers' and Economic Conferences. In addition to telegrams† mentioned by you Union Government wishes to publish Prime Minister's messages contained in my telegrams of 4th December, 3rd March, and 26th March.‡ My comment in telegram of 3rd March would not appear. Please inform me as soon as possible if His Majesty's Government concur.—ARTHUR FREDERICK.

20591

No. 184.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.45 p.m., 23rd April, 1923.)

TELEGRAM.

[Answered by No. 185.]

23RD APRIL. Ministers propose to publish to-morrow paper(s) referred to in my telegram 21st April,§ and in addition your telegram 23rd March.¶—ARTHUR FREDERICK.

* No. 180. † Nos. 135, 145 and 171. ‡ Nos. 137, 148 and 162. § No. 183. ¶ No. 158.

19997

No. 185.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.30 p.m., 23rd April, 1923.)

TELEGRAM.

[Answered by No. 186.]

23RD APRIL. Your telegram 21st April,* your telegram 23rd April.† No objection to publication of telegrams proposed so far as we are concerned, but as regards reference to Bruce in your telegram 26th March,‡ we gather that he is not publishing immediately telegrams regarding Australia. If reference retained, would it not be well to include also my telegram 7th April,§ in reply to your telegram 26th March.—DEVONSHIRE.

21241

No. 186.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.40 p.m., 27th April, 1923.)

TELEGRAM.

27TH APRIL. Conference correspondence has now been published, including your telegram of 7th April§ mentioned in your telegram of 23rd April|| but excluding telegram of same date referred to in your telegram of 17th April.¶—GOVERNOR-GENERAL.

23896

No. 187.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th May, 1923.)

[Answered by No. 202.]

(Confidential.)

MY LORD DUKE,

Viceregal Lodge, Dublin, 2nd May, 1923.

I HAVE the honour to acknowledge the receipt of Your Grace's Confidential despatch of the 6th ultimo** on the subject of the proposed Imperial Conference and Imperial Economic Conference to be held in October next, and in reply to convey to you, on behalf of my Ministers, an expression of thanks for the cordial invitation of His Majesty's Government to representatives of the Irish Free State to attend the Imperial Economic Conference, and to the President of the Executive Council to attend the Imperial Conference.

2. My Ministers will be glad to arrange in due course for suitable representatives to attend the Imperial Economic Conference.

3. The President of the Executive Council is not at present in a position to say whether it will be possible for him to attend the Imperial Conference, but he will be glad to do so if the circumstances of the time permit.

I have, &c.,

T. M. HEALY.

* No. 183. † No. 184. ‡ No. 162. § No. 167. || No. 185. ¶ No. 180. ** No. 166.

22280

No. 188.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 2.35 p.m., 10th May, 1923.)

TELEGRAM.

[Answered by Nos. 195, 197, 218 and 221.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)
 (Newfoundland.)

10TH MAY. Confidential. My telegram 7th April.* Following for your Prime Minister from Prime Minister:—

Begins: 1. We have now further considered question of Agenda for Imperial Conference. We suggest that, as in 1921, opening meeting should include statements as to general position on main issues of Imperial policy.

2. These preliminary statements might be followed by:—

- (1) Review of foreign affairs since 1921 Conference, and consideration of present problems and future policy;
- (2) Discussions on naval, military and air defence.

3. Former heading would also cover:—

(a) Any questions connected with the League of Nations, including Treaty of Mutual Guarantee and attitude of United States to C Mandates which has been suggested by New Zealand; we understand that India desires to bring up in this connexion subject which has been raised by Indian representatives at previous meetings of Assembly of League, viz., admission of Indians into C Mandated Territories.

(b) Question of common Imperial policy regarding territorial waters, which we are anxious to have discussed.

(c) Position of Dominions and India in relation to signature of Treaties.

4. Heading (2) would comprise review of naval situation resulting from Washington Conference, and arrangements for future co-operation in all branches of defence.

5. Among subjects which will also require attention on part of Imperial Conference at some stage of proceedings, on questions of principle referred from Imperial Economic Conference will be Imperial Air and Wireless Communications, and probably certain economic questions of special importance.

6. Lastly, Australia recently suggested for discussion at an Imperial Conference question of marriages with foreigners, and we may wish to bring up question of nationality of married women.

7. Should be glad to know, as soon as possible, whether you are in agreement with Agenda outlined above, and whether you have any further subjects to add.

8. We should also like to make it clear in advance that Cabinet here, while recognizing the importance of the fullest publicity consistent with entire freedom of discussion, are strongly of opinion that the precedent of 1921 Conference should be followed, that is to say, that in case of questions such as Foreign Policy or the details of Imperial Defence where secrecy is essential to complete freedom of discussion, the results only of deliberations should be published, discussions themselves being kept secret. Similarly we trust that any documents forwarded to you in advance of the Conference will be regarded as strictly confidential.

* Nos. 167, 168, 169 and 170.

9. Similar telegram being sent to other Prime Ministers and to India, and question of publication of any part of Agenda for Conference must, I think, stand over till replies complete. I assume, however, that there will be general desire to announce outline of programme, and this telegram has been framed accordingly, though I should not contemplate publication of paragraphs 3 and 8.

10. I am telegraphing* separately as to attendance of expert advisers and secretarial arrangements. *Ends.*

—DEVONSHIRE.

22280

No. 189.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 3.5 p.m., 10th May, 1923.)

TELEGRAM.

[Answered by Nos. 196 and 221.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)
 (Newfoundland.)

10TH MAY. Following for your Prime Minister from Prime Minister:—

Begins: My telegram of to-day.† Imperial Conference. We are assuming that as suggested in my telegram of 29th November,‡ representatives at Economic Conference will be accompanied by expert advisers, and we think it desirable for naval and air experts to accompany representatives at Imperial Conference, since subjects for discussion under heading of Defence seems likely at present to be predominantly naval and air.

We hope that Hankey will be available to act as Secretary of Imperial Conference, and that, in accordance with 1921 arrangements, Dominions and India will also nominate members of Secretariat. It would greatly facilitate our arrangements if we could hear as soon as possible what office accommodation in London, if any, apart from hotel accommodation, is likely to be required by Dominion Delegations. Owing to reductions in staff of Cabinet Secretariat, we regret that it will not be possible to supply any clerical assistance to Delegations, apart from the clerical requirements of the Conference itself.

Similar telegram sent to other Prime Ministers and India. *Ends.*

—DEVONSHIRE.

22280

No. 190.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.0 p.m., 10th May, 1923.)

TELEGRAM.

[Answered by No. 198.]

FOLLOWING from Prime Minister for your Prime Minister:—

Begins: My telegram of to-day† regarding Imperial Conference. In view of the great importance of the subjects to be discussed, particularly foreign relations and defence, I should like to urge you to come to London this autumn if you possibly can. I feel very strongly that Conference would greatly benefit by your wide experience and knowledge, and apart from this, absence of New Zealand's Prime Minister cannot but detract from its representative character. *Ends.*

—DEVONSHIRE.

* No. 189.

† No. 188.

‡ No. 135.

27639

No. 191.

THE SECRETARY OF STATE FOR INDIA to THE VICEROY (HOME DEPARTMENT).

(Sent 11th May, 1923.)

TELEGRAM.

1728. YOUR telegrams 24th April and 30th April. Imperial Conference, Agenda as now settled, for which please see my telegram of to-day's date No. 1729,* includes position of Indians in C Mandate territories. On proposal of New Zealand attitude of United States as regards these territories is also to come up, but this relates to discrimination against American economic interests.

Question of united action against the spread of Communist propaganda is not placed on agenda, but a convenient opportunity for raising it would arise after the statement by the Secretary of State for Foreign Affairs, which must necessarily include a reference to our policy towards the Russian Soviet Government. Turkey will be treated by Secretary of State for Foreign Affairs in his general review. Note has been taken of point 5 information about Dominion legislation, etc., but this is regarded as more suitable for informal direct discussion between representatives concerned. Question of Aden if not settled before Conference can be raised on general discussion of Imperial Defence, but is not specifically mentioned in circular telegram issuing to Your Excellency's Government and Dominions. Apportionment of British Empire share of League of Nations expenses, 1923, will probably come up if not previously settled. General question of oil in British Empire is expected to arise at Economic Conference and to be referred on to Imperial Conference.

27639

No. 192.

THE SECRETARY OF STATE FOR INDIA to THE VICEROY (HOME DEPARTMENT).

(Sent 11th May, 1923.)

TELEGRAM.

1729. YOUR telegram 30th April, Imperial Conference. Following two telegrams to Dominions were sent 10th May: [See Nos. 188 and 189.]

23460

No. 193.

HOUSE OF COMMONS.

(14th May, 1923.)

Organization of the Imperial Conference Secretariat.

LIEUT.-COLONEL Croft asked the Under-Secretary of State for the Colonies (1) whether the secretariat organization of the Imperial Conference is exclusively in the hands of the Colonial Office; and, if not, what other Departments are concerned; (2) whether the Cabinet Secretariat retains any functions in relation to the self-Governing Dominions?

Mr. Ormsby-Gore: It is proposed that the present Secretary of the Cabinet should act as Secretary of the Imperial Conference to be held in October; he will have such assistance from the Colonial Office and other Departments as may be necessary. The Dominions and India have also been asked each to nominate members of the Secretariat.

* No. 192.

23461

No. 194.

HOUSE OF COMMONS.

(14th May, 1923.)

Imperial Conference.

LIEUT.-COLONEL CROFT asked the Under-Secretary of State for the Colonies whether the Irish Free State and Rhodesia will be respectively represented at the Imperial Conference; and whether India will be represented by Ministers of the Government of India?

MR. ORMSBY-GORE: Under the constitution of the Imperial Conference the Prime Ministers of the self-governing Dominions are *ex-officio* members, and accordingly an invitation to the next Conference has been issued to the President of the Executive Council of the Irish Free State. The separate representation of Rhodesia is not contemplated. The last part of the question should be addressed to my noble friend, the Under-Secretary of State for India.

24627/S

No. 195.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.25 p.m., 15th May, 1923.)

TELEGRAM.

15TH MAY. Secret. Following for Prime Minister from my Prime Minister: *Begins:* Your telegram of 10th May,* Agenda and Order of Procedure as submitted by you quite satisfactory. Sincerely trust, however, you will allow ample opportunity to discuss in Imperial Conference before Premiers disperse the general question of Economics and the recommendations of the Economic Conference in their relation to defence and welfare of, and migration within, the Empire. In my Government's opinion most essential that Economic circumstances of the Empire should be considered in their widest application to these great questions, and this, as stated by me previously, cannot be done effectively at the Economic Conference. Without detracting one iota from the importance of foreign affairs and naval, military, and air defences we see in economic questions possibilities of achieving something definite which will materially strengthen Empire defences and by creating common interests ensure pursuance of a common policy in foreign and Imperial affairs. The circumstances of Canada will illustrate to you the points I desire to emphasize. With this reservation we agree with the Agenda as set out by you.

The only other subject we wish to add to the Agenda at this stage is the amendment of the British Nationality and status of Aliens Act, 1914, to permit of the nationalization of residents of mandatory territories.

With regard to the question of publicity, generally speaking I feel that the value of the Imperial Conferences to the Empire depends very largely on fullest possible publication of the deliberations throughout the Dominions. We have, I think, by past discussion(s) established a public opinion favourable to Conferences as a partial solution of the great problem of consultation in foreign and Imperial affairs, but to maintain and strengthen that opinion it is desirable that our constituents should know as far as possible the extent to which we are consulted and the nature of our deliberations. I agree, of course, that secrecy is essential where details of foreign policy or defence are concerned, but generally speaking think it desirable that the utmost publicity be given to discussions.

As previously intimated I have promised to give Parliament an opportunity to discuss the Agenda and it will be necessary therefore for me to make the contents of your cable public. Presume that with the exception of paragraphs three and eight mentioned by you there is no objection. *Ends.*

—GOVERNOR-GENERAL.

* No. 188.

M

24836

No. 196.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.50 p.m., 16th May, 1923.)

TELEGRAM.

16TH MAY. Your telegram 10th May.* Following from Prime Minister for your Prime Minister:—

Begins: Conference arrangements. Your suggestions are noted. No office accommodation will be necessary for South Africa(ns). *Ends.*
—ARTHUR FREDERICK.

24887

No. 197.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.50 p.m., 16th May, 1923.)

TELEGRAM.

[Answered by No. 205.]

16TH MAY. Confidential. Your telegram 10th May, Confidential.† Following from Prime Minister for your Prime Minister:—

Begins: Agenda Imperial Conference. I agree to your list of subjects. For present I have no additional items to suggest. *Ends.*
—ARTHUR FREDERICK.

24945

No. 198.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 a.m., 17th May, 1923.)

TELEGRAM.

17TH MAY. Personal. In view of Mr. Bonar Law's message of 10th May‡ to my Prime Minister, which has been published, it is proposed that Parliament should meet on 14th June—fortnight earlier than usual. Question of Mr. Massey's attendance at Imperial Conference will be submitted during the session, and decision will rest with Parliament. Press opinion generally strongly in favour of his attendance, though leading Opposition journal has not yet committed itself; nor have the leader of the Opposition and the leader of the Labour Party made any public comment.—JELlicoe.

24640

No. 199.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 3.50 p.m., 17th May, 1923.)

TELEGRAM.

[Answered by No. 219.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

17TH MAY. Confidential. My telegram of 7th April.§ Following from Prime Minister for your Prime Minister:—

* No. 189. † No. 188. ‡ No. 190. § Nos. 167, 168, 169 and 170.

Begins: Questions of co-operation for the fuller utilization of natural resources (as to which His Majesty's Government will make proposals) and improvement of technical research referred to in my message of 29th November* as falling within scope of Imperial Economic Conference are still under examination here, as are also questions relating to external commercial relations of Empire.

In other respects we have now virtually completed our examination of subjects outlined in that telegram, and developed by subsequent correspondence as suitable for consideration, and have prepared first list of questions for discussion as follows:—

(1) Oversea Settlement.—Progress made since 1921 with policy of State-aided Empire settlement and plans for the future, especially as regards methods of improving selection and training of intending settlers before migration, and their reception, training and distribution on arrival.

(2) Co-operation in assistance to Imperial Development.

(3) Trade Development.—Questions relating to Imperial preference will be included in the Agenda. In particular (a) Government of Commonwealth of Australia have expressed intention of raising question of tariff preference accorded by United Kingdom.

(b) Question of use of Empire raw materials in public contracts will be raised on behalf of Colonies and Protectorates. Other questions relating to Imperial preference in public contracts may be raised.

(c) Importation of Live Stock.—Question of modification of existing restrictions in various parts of the Empire.

(d) Forestry.—Any proposals resulting from Empire Forestry Conference to be held in Canada this summer.

(4) Imperial Communications.—Discussion on (a) Shipping and mails, with particular reference to reports of Imperial Shipping Committee. (b) Air Communications, and (c) Cables and Wireless on which special reports have been prepared.

(5) State Enterprises.—Proposal to set State-owned or controlled economic enterprises on the same footing as private enterprises as regards taxation, and (in the case of commercial shipping in normal times) as regards shipowners' liability.

(6) Unification of law and practice, with special reference to general adoption of (a) legislation for reciprocal enforcement of judgments; (b) the provisional scheme for Empire Patents recommended by the Patent Conference, 1922.

(7) Commercial Intelligence and Statistics:—

(a) Extended utilization of Commercial Diplomatic Service and Trade Commissioners.

(b) Establishment of an Imperial Advisory Committee on Statistics.

Shall be glad to learn as soon as possible what other subjects you would like added to above list. Similar telegram being sent to other Prime Ministers and to India. *Ends.*

—DEVONSHIRE.

24640

No. 200.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 4.5 p.m., 17th May, 1923.)

TELEGRAM.

[Answered by Nos. 211 and 220.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

CONFIDENTIAL. 17th May. My telegram of to-day,† Imperial Economic Conference. Following from Prime Minister for your Prime Minister:—

* No. 135. † No. 199.

Begins: Memoranda on most of subjects referred to will be ready for despatch shortly. We hope that these will be treated as confidential, pending commencement of Conference, as we think that it would be best for Conference itself to decide extent to which publicity should be given to its proceedings. As regards Secretariat arrangements, we should propose to appoint a Secretary of Conference, and should welcome nomination of members of Secretariat by Dominions and India as in case of Imperial Conference.

Presume that in replying to my telegram of 10th May* as to office accommodation you will allow for staff required for both Conferences. Similar telegram being sent to other Prime Ministers and to India. *Ends.*

—DEVONSHIRE.

25732

No. 201.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.45 a.m., 23rd May, 1923.)

TELEGRAM.

23RD MAY. New Zealand Parliament is being summoned to meet on 14th June. During the session opportunity will be taken by my Prime Minister to seek the decision of Parliament on the question of his attendance or otherwise at the forthcoming Imperial Conference.—JELlicoe.

23896

No. 202.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 251.]

(Confidential.)

SIR, Downing Street, 28th May, 1923.
WITH reference to Your Excellency's Confidential despatch of the 2nd May,† I have the honour to transmit to you, for the information of your Ministers, a copy of a telegram‡ which has been addressed to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa, and the Governor of Newfoundland, regarding the agenda for the forthcoming Imperial Economic Conference. Memoranda on most of the subjects referred to in the above telegram will be furnished at a very early date. It is hoped that, pending the commencement of the Conference, these memoranda will be treated as Confidential as it is considered that it would be best for the Conference itself to decide the extent to which publicity should be given to its proceedings.

2. I should be glad to be informed as soon as possible whether your Ministers desire to suggest any other subjects for inclusion in the agenda for the Economic Conference.

3. I enclose also, for communication to the President of the Executive Council, a telegram§ on the subject of the agenda for the Imperial Conference. I should be glad to know whether Mr. Cosgrave is in agreement with this agenda, and whether he has any further subjects to add.

I have, &c.,
DEVONSHIRE.

* No. 189. † No. 187. ‡ No. 199. § No. 188.

27172

No. 203.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 7.55 p.m., 29th May, 1923.)

TELEGRAM.

[Answered by Nos. 207 and 210.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

29TH MAY. Following for your Prime Minister from Prime Minister:—

Begins: I take the earliest opportunity of letting you know that changes in Government here will not affect arrangements for Imperial Conference and Economic Conference in autumn, though we shall all regret that Mr. Bonar Law will not be able to preside at former. I feel sure that good work can and will be done at both Conferences, and I am looking forward to meeting you in October. Similar message sent to other Prime Ministers. *Ends.*

—DEVONSHIRE.

25732

No. 204.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.15 p.m., 30th May, 1923.)

TELEGRAM.

CONFIDENTIAL. Following for your Prime Minister from Prime Minister:—

Begins: I am communicating substance of your telegram 15th May,* as to Imperial Conference, to other Prime Ministers. I have heard from General Smuts that he agrees to proposed Agenda, and has no additional items to suggest at present. *Ends.*

—DEVONSHIRE.

25732

No. 205.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.45 p.m., 30th May, 1923.)

TELEGRAM.

30TH MAY. Confidential. Your telegram 16th May.† Following for your Prime Minister from Prime Minister:—

Begins: I am informing other Prime Ministers of your concurrence in proposed Agenda for Imperial Conference.

I have heard from Prime Minister of Commonwealth that he agrees generally with Agenda. He emphasizes, however, need for discussing at Imperial Conference general question of economics and recommendations of Economic Conference in relation to defence and welfare of and migration within the Empire. Only other subject Commonwealth Government wish to add at present is the amendment of the British nationality and status of Aliens Act, 1914, to permit of the nationalization of residents of Mandated Territories. With regard to publicity, Bruce, while agreeing that secrecy is essential where details of foreign policy or defence are concerned, thinks it desirable, generally speaking, that utmost publicity should be given to discussions. *Ends.*

—DEVONSHIRE.

* No. 195. † No. 197.

25732

No. 206.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 5.0 p.m., 30th May, 1923.)

TELEGRAM.

(Canada.)
(New Zealand.)
(Newfoundland.)

30TH MAY. Confidential. My telegram 10th May.* Following for your Prime Minister from Prime Minister:—

Begins: I have heard from Prime Minister of Commonwealth that he agrees generally with proposed Agenda for Imperial Conference. He emphasizes, however, need for discussing at Imperial Conference general question of economics and recommendations of Economic Conference in relation to defence and welfare of and migration within the Empire. Only other subject Commonwealth Government wish to add to Agenda at present is the amendment of the British Nationality and Status of Aliens Act, 1914, to permit of the nationalization of residents of Mandated Territories. With regard to publicity, Bruce, while agreeing that secrecy is essential where details of foreign policy or defence are concerned, thinks it desirable, generally speaking, that utmost publicity should be given to discussions.

I have also heard from General Smuts that he agrees to proposed Agenda, and has no additional items to suggest at present. *Ends.*

—DEVONSHIRE.

27472

No. 207.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.30 p.m., 31st May, 1923.)

TELEGRAM.

31ST MAY. Your telegram of 29th May.† Following for Prime Minister from my Prime Minister:—

Begins: I have to thank you for informing me that recent change in His Majesty's Government will not affect the arrangements for holding the Imperial and Economic Conferences in the autumn. We join with you in regretting that Mr. Bonar Law will not be able to preside at the Imperial Conference. I quite share your pleasurable expectation of our being able to meet in October. *Ends.*

—BYNG.

27709

No. 208.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 3.5 p.m., 4th June, 1923.)

TELEGRAM.

[Answered by Nos. 211, 220, 233 and 245.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

4TH JUNE. Confidential. My telegram 17th May,‡ Imperial Economic Conference. First set of memoranda referred to in Prime Minister's message have now been despatched by mail. Should be glad to be informed by telegram your

* No. 188.

† No. 203.

‡ No. 200.

Ministers' views as to communication of these and subsequent memoranda to High Commissioner. My telegram 17th May* as to list of questions for discussion and previous telegraphic correspondence as to Economic Conference have been sent to him for his confidential information. Similar telegram sent to other Dominions.

[To Commonwealth only: Brookes, Reading and Sanderson, who are understood to have been invited by Commonwealth Government to serve as Australian experts at Conference are in touch with Board of Trade, and memoranda could be communicated to them also, if desired.]

—DEVONSHIRE.

31285

No. 209.

CANADA.

EXTRACT FROM DEBATES OF THE CANADIAN HOUSE OF COMMONS.

(5th June, 1923.)

IMPERIAL AND ECONOMIC CONFERENCES.

Mr. J. S. Woodsworth (Centre Winnipeg): Mr. Speaker, will there be an opportunity for discussion of the matters that are to be placed upon the agenda for the Imperial and Economic Conferences.

Mr. Mackenzie King: The Government will have occasion to ask for the passing of an estimate to make provision for expenses in connexion with these Conferences, and at that time I should think there would be ample opportunity to discuss matters pertaining thereto. If not, a time can be specially arranged for the purpose if so desired.

Mr. Meighen: Does the Prime Minister propose to state to the House the lines of policy he intends to follow or the specific proposals he will himself advance on the occasion of these Conferences?

Mr. Mackenzie King: I shall be glad to answer any questions that may be asked. I happen to have here the latest information the Government has received with respect to what is anticipated to be taken up at the proceedings of the Imperial Conference, and I might give it to the House. The dispatch requests that the information be given in a general form, and therefore I will only outline the main features.

As in 1921, the opening meeting will include statements as to the general position on the main issues of Imperial policy. The preliminary statement may be followed by a report on foreign affairs since 1921, and by a consideration of the present problems and future policy. A discussion as to naval, military and air defences. A review of the naval situation resulting from the Washington Conference and arrangements for future co-operation in all branches of defence. At some stage of the proceedings, attention will be given to the principles referred to it from the Imperial Economic Conference regarding Imperial air and wireless communications. There will probably be certain economic questions of special importance. Australia suggests the discussion of the marriage of women with foreigners. That I think, Mr. Speaker, by way of an outline of what is anticipated for the coming Conference, contains about all the information the Government has thus far received.

Mr. Meighen: The Prime Minister stated that he would answer any questions asked him. I would like him to regard my question as now placed before him as a request that he do lay before the House a statement of the lines of policy he purposes following on behalf of this Dominion at these Conferences and of any proposition he intends to advance himself. I do not mean at the present moment, but that a time be fixed for his doing so.

Mr. Mackenzie King: My right honourable friend will appreciate that it is only possible to do that in so far as the Government is aware of the questions to come up for discussion at the Conferences. I may say broadly that certainly with respect to anything of importance involving expenditures, our attitude will be that it must be subject to future ratification by this Parliament.

Mr. Meighen: It always is.

* No. 199.

28410

No. 210.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.57 p.m., 6th June, 1923.)

TELEGRAM.

[Answered by No. 214.]

6TH JUNE. Confidential. Your telegram of 29th May* regarding Imperial Conference. Following for Prime Minister from my Prime Minister:—

Begins: Thank you very much for your kind message. Parliament is to meet on 14th June to consider position and decide as to representation of New Zealand, and I am hopeful of being able to attend. Personally it would be much more convenient if opening of Imperial Conference could be delayed until, say, middle of October as this would give me better chance of arriving in time. I should therefore be glad to learn whether some slight postponement as suggested could be arranged without creating a great deal of inconvenience. *Ends.*

—JELICÖE.

28538

No. 211.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.23 p.m., 6th June, 1923.)

TELEGRAM.

6TH JUNE. Confidential. Your telegrams of 17th May and 4th June,† Imperial Economic Conference. Ministers will treat memoranda as Confidential as requested. Secretariat arrangements are in accordance with my Prime Minister's views, and the Union Government will be prepared to nominate a member of the Secretariat. No special office accommodation is required as provision will be made in the High Commissioner's Office in London. Prime Minister would like copies of all the memoranda for the Economic Conference supplied to the High Commissioner in advance.—ARTHUR FREDERICK.

27172

No. 212.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 8th June, 1923.

WITH reference to my Confidential despatch of 28th May,‡ I have the honour to transmit to Your Excellency, for communication to the President of the Executive Council of the Irish Free State, a copy of a telegram* to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa, and to the Governor of Newfoundland conveying a message from the Prime Minister as to the arrangements for the Imperial Conference and the Imperial Economic Conference.

I have, &c.,

DEVONSHIRE.

* No. 203.

† Nos. 200 and 208.

‡ No. 202.

25732

No. 213.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 8th June, 1923.

WITH reference to my Confidential despatch of the 28th May,* I have the honour to transmit to Your Excellency, for communication to the President of the Executive Council, copies of telegrams† to the Governors-General of Canada and New Zealand and to the Governor of Newfoundland summarizing the replies‡ received from the Prime Ministers of the Commonwealth of Australia and the Union of South Africa regarding the proposed Agenda for the Imperial Conference.

I have, &c.,

DEVONSHIRE.

28410

No. 214.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.35 p.m., 9th June, 1923.)

TELEGRAM.

Your telegram of 6th June.§ Following for your Prime Minister from Prime Minister:—

Begins: I am very glad to hear that there is now a good prospect of your being able to come to Imperial Conference. But I find great difficulty over your suggestion to postpone its opening session. 1st October was the agreed date after much discussion and considerable opinion in favour of beginning earlier. I fear therefore that it is too late to re-open matter now. You may like to know, however, that our present idea is to concentrate more especially on Economic Conference during first week of meetings. Therefore you would probably be in time for most important discussions at Imperial Conference if you were here by second week of October though you would miss opening meeting and might miss statement on foreign situation by Secretary of State for Foreign Affairs. I am assuming that New Zealand would be separately represented at Economic Conference. *Ends.*

—DEVONSHIRE.

28813

No. 215.

HOUSE OF COMMONS.

(12th June, 1923.)

Imperial Economic Conference.

MR. HURD asked the President of the Board of Trade whether the Committee which has been formed to assist in framing the detailed agenda of the Imperial Economic Conference is intended to represent British industry as a whole; and, if so, whether a seat on that Committee is being reserved for the representative of the greatest British producing industry, namely, agriculture?

Sir Arthur Churchman asked the President of the Board of Trade whether he is yet in a position to state the steps he is taking to acquaint himself with British financial, industrial, and commercial opinion on the subjects to be discussed at the forthcoming Imperial Economic Conference?

Sir P. Lloyd-Greame: The gentlemen who occupy the position of President of the following organizations, the Association of British Chambers of Commerce, the British Bankers' Association, the Chamber of Shipping and the Federation of British Industries, have agreed to assist me as expert advisers on commercial

* No. 202.

† No. 206.

‡ Nos. 195 and 197.

§ No. 210.

questions arising in connexion with the forthcoming Imperial Economic Conference. As regards agriculture, I have been in consultation with the Minister of Agriculture, and I understand that he proposes to confer with representatives of this important industry.

Captain W. Benn: Will there be any representative of the consumers at this Conference?

Sir P. Lloyd-Greame: These gentlemen are expert advisers on any technical and commercial matters. I think that the hon. and gallant gentleman may trust the Government to represent the consumers.

28688

No. 216.

HOUSE OF COMMONS.

(14th June, 1923.)

Imperial Economic Conference.

MR. Hurd asked the Minister of Agriculture whether, in view of the vital interest to British agriculture of some of the subjects to be discussed at the Imperial Economic Conference and the absence of any representative of that industry upon the Advisory Committee recently appointed by the Government, he will himself form an Advisory Committee of representative agriculturists to assist him in the matter both now and during the sittings of the Conference?

Sir R. Sanders: I fully recognize the importance of the matter to which my hon. Friend calls attention, and I propose to consult the statutory Agricultural Advisory Committee set up under the Ministry of Agriculture and Fisheries Act, 1919, in regard to any matters to be discussed at the Imperial Economic Conference which may affect the interests of agriculture.

29605

No. 217.

HOUSE OF COMMONS.

(14th June, 1923.)

Empire Policy (Parliamentary Discussion).

VISCOUNT Sandon asked the Prime Minister whether, in view of the full discussions allowed in Dominion Parliaments on the subject of Empire policy and of the coming Conference, he will give similar opportunities for discussion in this House?

The Prime Minister: In view of the state of public business I do not think it will be possible to grant special facilities for this discussion. There will, however, be opportunities for discussion on the various Votes and on the Consolidated Fund Bill.

29826

No. 218.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.20 a.m., 14th June, 1923.)

TELEGRAM.

[Answered by No. 226.]

14TH JUNE. Confidential. Imperial Conference. My Prime Minister is in agreement with Agenda as outlined in your telegram 10th May.* Any additional subjects he may wish to suggest for discussion will be telegraphed to you shortly. Documents which may be forwarded by you in advance of the Conference will be treated as strictly confidential as requested.—GOVERNOR-GENERAL.

* No. 188.

30173

No. 219.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.50 a.m., 16th June, 1923.)

TELEGRAM.

15TH JUNE. Confidential. Following for Prime Minister from my Prime Minister:—

Begins: Your telegram 17th May,* list of subjects for discussion Imperial Economic Conference. Canadian Government have no additions to suggest. *Ends.*

—GOVERNOR-GENERAL.

30174

No. 220.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.50 a.m., 16th June, 1923.)

TELEGRAM.

15TH JUNE. Confidential. Following for Prime Minister from my Prime Minister:—

Begins: Memoranda of subjects referred to in your telegram 17th May† and your telegram 4th June‡ in connexion with the Imperial Economic Conference have been duly received. We will be pleased to observe request that these be treated as confidential pending the commencement of Conference. I should be obliged if, as you kindly suggest, the High Commissioner for Canada could be supplied with copies of these and all subsequent memoranda and kept fully informed on all matters relating to both Conferences. *Ends.*

—BYNG.

30179

No. 221.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.5 a.m., 16th June, 1923.)

TELEGRAM.

[Answered by No. 224.]

15TH JUNE. Confidential. Following for Prime Minister from my Prime Minister:—

Begins: Your telegram of 10th May,§ Imperial Conference. Office accommodation will be required in London for staff of ten which is intended to cover what may be needed for expert advisers, stenographers, and messengers. Prime Minister and party to the Imperial Conference will include two advisers from Department of National Defence, one from Department of External Affairs, two Private Secretaries, one Assistant Private Secretary, and one messenger. It is probable that Minister of National Defence will accompany the Prime Minister. Office accommodation of two rooms for Ministers, one room for advisers, and two for Secretaries would be most acceptable if that could be arranged conveniently.

Attending the Imperial Economic Conference it is anticipated that there will be three additional Ministers and three Secretaries, as well as three or four expert advisers. Prime Minister hesitates to suggest what office accommodation might be necessary for Canadian representatives to the Imperial Economic Conference, and would prefer leaving to the Home Government to make arrangements with regard to office accommodation

* No. 199.

† No. 200.

‡ No. 208.

§ No. 189.

similar to what is being done for other Dominions. Respecting the hope expressed that the Dominions would name members of the Secretariat the Prime Minister would be prepared to make nominations if so desired, but would prefer to furnish names of members later on. With reference to paragraph 7 of your telegram of 10th May, Confidential,* Agenda outlined is generally acceptable to the Prime Minister. As to inquiry whether he has any further suggestions to add the Prime Minister would like to suggest the advisability of the Conference considering the question of the publicity to be permitted with respect to communications between the several Governments of the British Empire and in particular communications between the Home Government and the Governments of the Dominions. Recent experience in Parliament would suggest the desirability of some understanding being reached in this matter whereby there should be available for presentation to Parliament at discretion of Canadian Government and on its responsibility as large proportion of official despatches as possible without special permission having to be asked for in each case. Regarding paragraph 8 of your telegram of 10th May, Confidential,* while appreciating the point of view set forth therein Canadian Government nevertheless hopes that the proceedings of the Conference may be surrounded with as little in the way of secrecy as possible, and that the proceedings will be so conducted as to make possible subsequent disclosure to Parliament of all essential features. *Ends.*

—GOVERNOR-GENERAL.

30984

No. 222.

HOUSE OF COMMONS.

(25th June, 1923.)

Imperial Conference.

LIEUTENANT-COLONEL NORTON-GRIFFITHS asked the Under-Secretary of State for the Colonies; (1) whether the British Protectorates and Mandated Territories are to be represented at the forthcoming Imperial Conference; and, if so, who will represent them; (2) whether at the forthcoming Imperial Economic Council the smaller islands will be represented by the Dominions or Crown Colonies nearest to them, so that their economic interests may not be over-looked?

MR. ORMSBY-GORE: I have been invited to represent at the Imperial Economic Conference the Colonies and Protectorates, which would, of course, include the smaller islands. It is not proposed that the Mandated Territories shall be separately represented at the Conference, but should any question affecting any of them arise, I shall do my best to safeguard their interests.

31106.

No. 223.

HOUSE OF COMMONS.

(25th June, 1923.)

Imperial Conference.

MR. PONSONBY asked the Prime Minister whether, at the forthcoming Imperial Conference, His Majesty's Government intend to submit any proposals with regard to the consultation of the Governments of the Dominions in matters which concern our international relations and their participation in the control of foreign policy?

THE PRIME MINISTER (Mr. Stanley Baldwin): His Majesty's Government will welcome the opportunity of personal discussion with the Dominion Prime Ministers at the forthcoming Imperial Conference on all questions connected with our international relations and the conduct of foreign policy; but I would remind the honourable member that His Majesty's Government are already in close touch with the Dominion Governments on these matters.

* No. 188.

30179

No. 224.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 2.5 p.m., 3rd July, 1923.)

TELEGRAM.

3RD JULY. Confidential. Your telegram 15th June.* Following for your Prime Minister from Prime Minister:—

Begins: I am informing other Prime Ministers of the addition you suggest to Agenda for Imperial Conference and of your wish that it should be possible to communicate to Parliament later essential features of proceedings. I have heard from Prime Minister of New Zealand that he agrees to proposed Agenda. *Ends.*

—DEVONSHIRE.

30179

No. 225.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 3.5 p.m., 3rd July, 1923.)

TELEGRAM.

(Commonwealth of Australia.)

(Union of South Africa.)

(Newfoundland.)

3RD JULY. Confidential. My telegram 30th May.† Following for your Prime Minister from Prime Minister:—

Begins: I have heard from Prime Minister of Canada that he agrees generally with Agenda for Imperial Conference but suggests as additional item that Conference should consider question of publicity to be permitted with respect to communications between the several Governments of the British Empire and in particular communications between His Majesty's Government and Governments of the Dominions. With regard to publicity, Mackenzie King hopes that proceedings of Conference may be surrounded with as little in the way of secrecy as possible and that the proceedings will be so conducted as to make possible subsequent disclosure to Parliament of all essential features. I have also heard from Prime Minister of New Zealand that he is in agreement with proposed Agenda. *Ends.*

—DEVONSHIRE.

30179

No. 226.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 3.10 p.m., 3rd July, 1923.)

TELEGRAM.

CONFIDENTIAL. Your telegram 14th June.‡ Following for your Prime Minister from Prime Minister:—

Begins: I am informing other Prime Ministers of your concurrence in proposed Agenda.

I have heard from Prime Minister of Canada that he agrees generally with Agenda for Imperial Conference but suggests as additional item that Conference should consider question of publicity to be permitted with respect to communications between the several Governments of the British Empire and in particular communications between His Majesty's Govern-

* No. 221.

† Nos. 204, 205 and 206.

‡ No. 218.

ment and Governments of the Dominions. With regard to publicity Mackenzie King hopes that proceedings of Conference may be surrounded with as little in the way of secrecy as possible, and that the proceedings will be so conducted as to make possible subsequent disclosure to Parliament of all essential features. *Ends.*

—DEVONSHIRE.

33568

No. 227.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.35 a.m., 5th July, 1923.)

TELEGRAM.

[Answered by No. 237.]

5TH JULY. My despatch of 25th May, No. 178.* Nationality and status of aliens. In addition to question of amendment to permit of grant of naturalization to persons resident in mandated territories, Commonwealth Government further suggests that the Imperial Conference should discuss the amendment of the existing legislation in regard to (i) Appointment of Committee of Inquiry in connexion with the revocation of certificates and (ii) the readmission to British nationality of British-born women married to aliens. Despatch follows by mail.—GOVERNOR-GENERAL.

30179

No. 228.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 5th July, 1923.

WITH reference to my Confidential despatch of the 8th June,† I have the honour to transmit to Your Excellency, for communication to the President of the Executive Council, copies of telegrams‡ to the Governors-General of the Commonwealth of Australia and the Union of South Africa and to the Governor of Newfoundland summarizing the replies§ received from the Prime Ministers of Canada and New Zealand regarding the proposed Agenda for the Imperial Conference.

I have, &c.,

DEVONSHIRE.

33857

No. 229.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.40 p.m., 6th July, 1923.)

TELEGRAM.

6TH JULY. In initiating the discussion on the Imperial Conference in the House of Representatives, 5th July, Prime Minister moved the following resolution:—

Begins: That resolutions passed at Imperial Conferences are only obligatory upon any Dominion of the Empire if and when they are approved by the Parliament of that Dominion. *Ends.*

Following is brief summary of the main points of the speech. (I) Laid stress on the importance of Empire preference, saying that while the Empire able to produce everything for its own needs, it seemed to him folly to depend on other

* No. 66.

† No. 213.

‡ No. 225.

§ Nos. 221 and 218.

countries. (II) Expressed doubt as to effectiveness of airships as reliable means of mail communication. (III) Strongly of opinion that New Zealand should be kept white man's land, though realized India's position. (IV) Saw no objection to trade between New Zealand and Russia. (V) Laid great stress upon importance of maintaining one power naval standard as essential to maintaining communications and strongly approved Singapore base adding that he knew of nothing so urgent and important so far as Australia and New Zealand are concerned. Leader of Opposition subsequently endorsed this view. (VI) Expressed disagreement with Canada's attitude as to claiming right to stand out when Empire was at war, and as to signature of Halibut Treaty by Canadian Ministers alone. (VII) Paid tribute to the tact and firmness of Lord Curzon in dealing with the Near East situation. (VIII) Thought that there was no reason why Imperial Conferences should not be held alternately in the Dominions, as well as in London. This would give Ministers in Great Britain necessary first hand knowledge of conditions in the Dominions which was now lacking. (IX) Generally laid stress on the importance of maintaining the unity of the Empire. Leader of the Opposition also stressed necessity for unity. Debate is proceeding, but decision as to Prime Minister's attendance not likely for some days. On the recent² no confidence motions Government has retained its majority of three.—JELlicoe.

33624

No. 230.

HOUSE OF COMMONS.

(9th July, 1923.)

Imperial Conference.

CAPTAIN WEDGWOOD BENN asked the Prime Minister whether it is his intention before the Imperial Conference meets to make a statement on the policy of the Government concerning matters which will come up for discussion; and whether the House of Commons will, like the Dominion Parliaments, have an opportunity of expressing their opinion before the Conference meets?

THE PRIME MINISTER: The answer to the first part of the question is in the negative. As to the second, I would refer the honourable and gallant member to my reply to my noble friend the Member for Shrewsbury on the 14th of June.

CAPTAIN BENN: Is the right honourable gentleman aware that the Prime Minister of every Dominion has stated his policy at this Conference, and that he alone has not stated his policy; and is it right that this Government and this Parliament alone should be prevented from discussing such an important matter?

THE PRIME MINISTER: The object of a Conference surely is to confer, and the process of conferring is necessarily exploratory, and if those explorations yield results, those results will be discussed in the House of Commons. In the meantime, I do not see that a debate would serve any useful purpose, although, if desired, one could be held on the Consolidated Fund Bill.

CAPTAIN BENN: Can the right honourable gentleman give the House any information as to an extension of preference to foodstuffs?

MR. PRINGLE: Is it not in accordance with precedent to have a discussion of the programme of such a Conference before it actually takes place? Such a discussion took place before the last Conference.

THE PRIME MINISTER: I do not think that is the case necessarily; certainly not a discussion of policy. I am not aware of a debate in which matters of policy were involved. But a debate on the subjects to be considered has, I think, been held before.

CAPTAIN BERKELEY: If specific questions are put to the Government on the Colonial Office Vote, will they not be answered?

THE PRIME MINISTER: It depends entirely whether they are answerable.

CAPTAIN BENN: Will the right honourable gentleman answer my question, whether it is the Government policy to extend the preference to foodstuffs?

THE PRIME MINISTER: I do not think that is a question that can be answered. There would have to be a mass of evidence brought forward, and the subject would have to be explored.

35588/S

No. 231.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 6 p.m., 16th July, 1923.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

CONFIDENTIAL. 16th July. Following from Prime Minister for your Prime Minister.

Begins. Please see passage in my telegram of 17th May,* referring to questions of co-operation for the fuller utilization of natural resources. Following is general indication of lines on which His Majesty's Government, subject to results of discussion at Economic Conference, will be prepared to consider schemes of financial co-operation which may be proposed with view to assisting early development of Public Utility Undertakings in Dominions which without such assistance would be delayed or not proceeded with. Undertakings assisted should be of nature which, if put in hand rapidly, would confer direct benefit both on Dominion and on employment by placing of orders in United Kingdom. Conditions and limits of financial assistance and shares of co-operating governments in such assistance would be settled in each case by special agreement. Without excluding from consideration any form of assistance His Majesty's Government consider guarantee of interest or advance of part of interest for limited period is likely to prove the most generally useful method. Specific proposals under an agreed general scheme would naturally be examined carefully by competent authorities both in Dominion and United Kingdom before approval.

Similar telegram being sent to other Prime Ministers and to India.

Ends.

—DEVONSHIRE.

35490

No. 232.

HOUSE OF COMMONS.

(18th July, 1923.)

Imperial Conference.

SIR EDWIN STOCKTON asked the Prime Minister whether it has been suggested on behalf of the Dominions that, for general convenience and the stimulation of good feeling, occasional meetings of the Imperial Conference might very well be held in one or other of the Dominion capitals; and whether, in any case, he will ascertain the present point of view of the Dominions on such a policy?

THE PRIME MINISTER: The suggestion is one with which I am familiar. There is no definite arrangement by which the meetings of the Imperial Conference should invariably take place in London, and the place of meeting must be determined by the convenience of all concerned.

At the forthcoming Conference, the date and place of the next meeting will be among the subjects which will come up for discussion.

* No. 199.

36007

No. 233.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4.50 a.m., 19th July, 1923.)

TELEGRAM.

19TH JULY. Your telegram of 4th June,* Confidential, Imperial Economic Conference. Prime Minister would be glad if you will furnish Messrs. Brookes Reading and Sanderson with memoranda as suggested and if Mr. Walter Young, who will also act as Australian expert at the Conference, could similarly be supplied with memoranda.—GOVERNOR-GENERAL.

36005

No. 234.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.20 a.m., 19th July, 1923.)

TELEGRAM.

[Answered by No. 242.]

19TH JULY. Prime Minister assumes that question of reparations will be considered under Heading No. 2 in the Agenda Imperial Conference, but if this not contemplated, would be glad if you will list it specially for discussion, as he considers final settlement of this question most vital interest to Britain and all Dominions.—GOVERNOR-GENERAL.

36006

No. 235.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.20 a.m., 19th July, 1923.)

TELEGRAM.

[Answered by No. 239.]

19TH JULY. Following from my Prime Minister:—

Begins: With further reference to your cablegram 10th May,† I propose to make a full statement with regard to Conference in House early next week. Should be glad to know whether any objection to publication of cables which have passed between us. I, of course, would not give cables verbatim and would exclude any doubtful matters such as paragraph No. 3 of your cable above referred to. Personally, I can see no objection to course I suggest, but, in view of your request that publication should stand over until replies to all cables complete, shall be glad of your advice. Kindly advise also, whether any further items have been listed. *Ends.*

—GOVERNOR-GENERAL.

* No. 208.

† No. 188.

N

35588/S

No. 236.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 19th July, 1923.

WITH reference to my Confidential despatch of the 28th of May,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a telegram† which has been addressed to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa, and to the Governor of Newfoundland, regarding the proposals which His Majesty's Government contemplate bringing forward at the Imperial Economic Conference with regard to co-operation in financial assistance to Imperial development.

I have, &c.,

DEVONSHIRE.

34088

No. 237.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.40 p.m., 20th July, 1923.)

TELEGRAM.

YOUR telegram 5th July.‡ Other Prime Ministers are being informed of further nationality questions which Commonwealth Government suggest for discussion at Imperial Conference.—DEVONSHIRE.

34088

No. 238.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 4.45 p.m., 20th July, 1923.)

TELEGRAM.

(Canada.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

20TH JULY. My telegram 3rd July.§ Following from Prime Minister for your Prime Minister.

Begins.—Commonwealth Government further suggests as subjects for discussion at Imperial Conference amendment of existing legislation as to nationality and status of aliens in regard to (1) appointment of committee of inquiry in connexion with revocation of certificates, and (2) re-admission of British nationality of British-born women married to aliens.—*Ends.*

—DEVONSHIRE.

* No. 202.

† No. 231.

‡ No. 227.

§ Nos. 224, 225 and 226.

36006

No. 239.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6 p.m., 23rd July, 1923.)

TELEGRAM.

YOUR telegram 19th July;* following from Prime Minister for your Prime Minister:—

Begins: I see no objection to your giving summary of proposed Agenda for Imperial Conference with omission of items referred to in paragraph 3 of my telegram 10th May,† but including Nationality questions proposed by you in your telegrams of 15th May‡ and 5th July.§ I therefore concur in your proposals, but presume you will not wish to make special reference to subject of publication of correspondence proposed by Canadian Government, see my telegram 3rd July.¶ No further items have been suggested by other Prime Ministers. Prime Minister of Canada has made general statement on these lines, and I hope to make similar statement in House of Commons here in the near future. *Ends.*

—DEVONSHIRE.

36006

No. 240.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 7.30 p.m., 23rd July, 1923.)

TELEGRAM.

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

23RD JULY. Following from Prime Minister for your Prime Minister:—

Begins: My telegram 10th May,† have informed Bruce in reply to inquiry that I see no objection to his giving to Commonwealth Parliament summary of proposed Agenda for Imperial Conference, subject to omission of items referred to in paragraph 3 of my telegram 10th May;‡ but including Nationality questions proposed by him; see my telegrams of 30th May¶ and 20th July.** I have added that I presume he will not wish to make special reference to question of publication of correspondence proposed by Canadian Government; see my telegram of 3rd July.†† Prime Minister of Canada has made general statement on these lines, and I hope to make similar statement in House of Commons here in near future. *Ends.*

—DEVONSHIRE.

34088

No. 241.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 23rd July, 1923.

WITH reference to my Confidential despatch of the 5th July,‡‡ I have the honour to transmit to Your Excellency, for communication to the President of the Executive Council, copies of telegrams** to the Governors-General of Canada, New Zealand, and the Union of South Africa and to the Governor of Newfoundland, regarding certain additional subjects which the Government of the Commonwealth of Australia have suggested for discussion at the Imperial Conference.

I have, &c.,

DEVONSHIRE.

* No. 235.

† No. 188.

‡ No. 195.

§ No. 227.

¶ No. 225.

** Nos. 205 and 206.

*** No. 238.

†† Nos. 225 and 226.

‡‡ No. 228.

36005

No. 242.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 3.20 p.m., 24th July, 1923.)

TELEGRAM.

Your telegram 19th July.* Please inform your Prime Minister that question of reparations will certainly be one of the principal subjects to be considered at the Imperial Conference under the heading of Foreign Affairs, and in the circumstances we do not think it necessary to place it on the Agenda as a separate subject for discussion.—DEVONSHIRE.

36006

No. 243.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 24th July, 1923.

WITH reference to my Confidential despatch of the 28th May,† I have the honour to transmit to you, for communication to the President of the Executive Council, a copy of telegraphic correspondence‡ with the Governor-General of the Commonwealth of Australia, regarding a statement which the Prime Minister of the Commonwealth proposes to make on the subject of the Agenda for the Imperial Conference.

I have, &c.,
DEVONSHIRE.

34950

No. 244.

HOUSE OF LORDS.

(25th July, 1923.)

Imperial Economic Conference: Representation of Crown Colonies and Protectorates and Colonial Office.

EXTRACTS from speech by the Duke of Devonshire.

Mr. Ormsby-Gore will, at the Economic Conference, represent the Crown Colonies and Protectorates.

With my honourable friend there will be associated representatives of the Colonial Office, namely, Sir Gilbert Grindle, who has taken an active part in these Conferences, and Sir James Stevenson, who has rendered conspicuous services in connexion with our Colonies. It is obvious that in addition to the actual representation at the Conference itself, the Colonial Office, working through the Under-Secretary, will be in close touch with official and unofficial representation.

37433

No. 245.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.32 a.m., 26th July, 1923.)

TELEGRAM.

26TH JULY. Your telegram of 4th June.§ Imperial Economic Conference. Prime Minister would be glad if you would forward copies of first and all subsequent sets of Memoranda to High Commissioner for Australia.—FORSTER.

* No. 234. † No. 202. ‡ Nos. 235 and 239. § No. 208.

38123

No. 246.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 4.30 p.m., 1st August, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

My telegram 17th May.* Following from Prime Minister for your Prime Minister:—

Begins: Following additional subjects proposed for discussion at Imperial Economic Conference:—

(1) "The desirability of a common Empire policy as regards certain aspects of workmen's compensation, i.e., the regime applicable to non-resident workmen and to seamen and to the nationals of foreign countries according as reciprocity is or is not given by latter."

As regards non-residents, some parts of Empire impose restrictions on payment of compensation to non-resident dependents or to injured workmen ceasing to reside in that part. Possibility of dispensing with such restrictions either altogether or on condition of reciprocity should be considered.

As regards seamen, workmen's compensation laws of Empire differ widely and some give no protection to seamen meeting with accidents outside territorial waters. Suggested that effort should be made to arrive at uniformity so as to acquire benefits for injured workman or his dependents wherever vessel may be when accident happens. As regards foreign nationals, question for consideration would be whether possible for Empire to adopt any policy based on the principle of equality of treatment for national workers and the nationals of foreign States on condition that the laws of those foreign States grant similar equality.

(2) Under the heading of Commercial Intelligence it is suggested that the Conference should consider the possibility of a common Empire policy of free admission of trade catalogues received through the post from other parts of the Empire. It is not suggested that the proposal should extend to catalogues imported in bulk.

Similar telegram being sent to other Prime Ministers and to India.

Ends.

—SECRETARY OF STATE FOR THE COLONIES.

38392

No. 247.

HOUSE OF COMMONS.

(2nd August, 1923.)

Imperial Conference (Agenda).

SIR J. NORTON-GRIFFITHS asked the Prime Minister whether he can give the House any information as to the agenda of the forthcoming Imperial Conference.

THE PRIME MINISTER: It is proposed that, as in 1921, the opening meeting of the Imperial Conference should include statements as to the general position on the main issues of Imperial policy, and that these preliminary statements should be followed first by a review of foreign affairs since the Conference of 1921, and consideration of present problems and future policy, and secondly, by discussions on naval, military and air defence, including a review of the naval situation resulting from the Washington Conference, and arrangements for future co-operation in all branches of defence.

* No. 199.

At some stage of the proceedings, attention will be devoted to questions of principle referred to the Imperial Conference from the Imperial Economic Conference, including Imperial air and wireless communications, and probably certain economic questions of special importance.

Australia has also suggested for discussion, the question of marriages with foreigners and certain other questions connected with nationality and naturalization.

38123

No. 248.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 3rd August, 1923.

WITH reference to my Confidential despatch of the 28th May,* I have the honour to transmit to Your Excellency for the information of your Ministers, a copy of a telegram† which has been addressed to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and the Governor of Newfoundland, regarding the agenda for the forthcoming Imperial Economic Conference.

I have, &c.,
DEVONSHIRE.

38649

No. 249.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.40 p.m., 15th August, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

15TH AUGUST. Following from Prime Minister for your Prime Minister:—

Begins: As indicated in my telegram of 29th November,‡ it is proposed to include subject of Bills of Lading in agenda for Imperial Economic Conference. Memorandum and copies of Sea Carriage of Goods Bill now before Parliament here are being sent by mail.

Memorandum gives history of question since 1921 Conference and explains reasons leading His Majesty's Government to adopt amended form of Hague Rules as set out in Bill. Reasons are that Rules (1) meet recommendations of Imperial Shipping Committee; (2) are a self-contained code acceptable to all parties concerned; (3) have been carefully scrutinized both here and abroad and have good prospect of international adoption; (4) would simplify forms of Bills of Lading and increase their value in international commerce as negotiable documents of title.—*Ends.*

Copies of Bill as originally introduced were enclosed in my despatch 14th April, Dominions No. 137.‖ Bill has since received small amendments on points of detail, not in principle. See also my telegram 28th February,‖ my despatch 1st March, Dominions No. 66.§—DEVONSHIRE.

* No. 202. † No. 246. ‡ No. 135. § 9604: not printed; it enclosed copies of the Report of the British Delegates at the International Maritime Conference held at Brussels in October, 1922 (Stationery Office Publication). ‖ 9604: not printed.

40907

No. 250.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.8 a.m., 16th August, 1923.)

TELEGRAM.

[Answered by No. 252.]

16TH AUGUST. Agenda Imperial Conference. With reference to previous telegrams or telegraphic communications, my Prime Minister proposes as additional subject for discussion the present unsatisfactory system of the Condominium control in connexion with the New Hebrides.

Agenda Imperial Economic Conference. Additional subjects suggested for discussion are (I) consideration of a scheme for speeding up with aid of British financial assistance, development of electricity in New Zealand and (II) currency and exchange as between the countries of the British Empire.—JELlicoe.

41232

No. 251.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th August, 1923.)

[Answered by No. 255.]

(Confidential.)

MY LORD DUKE,

Viceregal Lodge, Dublin, 15th August, 1923.

I HAVE the honour to acknowledge the receipt of Your Grace's Confidential despatch of the 28th of May last,* enclosing the Agenda for the Imperial Economic Conference to be held in October next, and to express, on behalf of my Ministers, agreement in general with the proposed subjects for discussion.

2. My Ministers would be glad to be informed of the latest date for receiving further subjects for inclusion in the Agenda of the Imperial Economic Conference. They also wish me to urge the desirability of discussing at the Conference the establishment of reciprocal measures by which Government loans of all the Dominions might become trustee investments throughout the Empire.

3. The President desires me to express his general agreement with the proposed Agenda for the Imperial Conference.

I have, &c.,
T. M. HEALY.

40907

No. 252.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.30 p.m., 20th August, 1923.)

TELEGRAM.

[Answered by No. 256.]

YOUR telegram 16th August.† Additional subjects suggested by your Prime Minister for discussion at the Imperial Conference and Imperial Economic Conference communicated to other Dominions.

Irish Free State have suggested for discussion at the Imperial Economic Conference establishment of reciprocal measures by which Government loans of all Dominions might become trustee investments throughout the Empire.

President of the Executive Council, Irish Free State, has expressed his general agreement with Agenda for Imperial Conference.

Presume you will let me know should your Prime Minister wish memoranda relating to Imperial Economic Conference communicated to High Commissioner. See my telegram 4th June.‡—DEVONSHIRE.

40907

No. 253.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 1.10 p.m., 20th August, 1923.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(Union of South Africa.)

(Newfoundland.)

FOLLOWING from Prime Minister for your Prime Minister:

Begins.—Massey proposes as additional subject for discussion at Imperial Conference the present Condominium control in connexion with New Hebrides. President of Executive Council, Irish Free State, has expressed his general agreement with Agenda for Conference.

Similar telegram sent to other Prime Ministers.—*Ends.*

—DEVONSHIRE.

40907

No. 254.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 1.55 p.m., 20th August, 1923.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(Union of South Africa.)

(Newfoundland.)

20TH AUGUST. Following from Prime Minister for your Prime Minister:

Begins.—Following additional subjects suggested for discussion at Imperial Economic Conference.

By New Zealand. (1) Consideration of a scheme for speeding up with aid of British financial assistance development of electricity in New Zealand.

(2) Currency and exchange as between the countries of the British Empire.

By Irish Free State. Establishment of reciprocal measures by which Government loans of all Dominions might become trustee investments throughout the Empire.—*Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

41232

No. 255.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 23rd August, 1923.

WITH reference to Your Excellency's Confidential despatch of the 15th August,* I have the honour to transmit to you, to be laid before your Ministers, a copy of a telegram† which has been sent to the Governors-General of Canada, the Commonwealth of Australia, and the Union of South Africa and the Governor of Newfoundland, with regard to the additional subject suggested by your Ministers for discussion at the Imperial Economic Conference, and with regard to two additional subjects suggested by the Government of New Zealand.

* No. 251.

† No. 254.

2. With reference to paragraph 2 of your despatch, no date has been fixed as the latest date for receiving suggestions as to subjects for discussion at the Conference, but your Ministers will no doubt appreciate the desirability of giving as long notice as possible of any additional questions which they may wish to raise.

3. I enclose also for the information of the President of the Executive Council a copy of a telegram* which has been sent to the Governors-General of Canada, the Commonwealth of Australia, and the Union of South Africa, and the Governor of Newfoundland, regarding his views as to the Agenda for the Imperial Conference and an additional subject suggested by the Prime Minister of New Zealand for discussion.

I have, &c.,

DEVONSHIRE.

42332

No. 256.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.22 a.m., 25th August, 1923.)

TELEGRAM.

25TH AUGUST. In reply to your telegram of 20th August,† Prime Minister would be glad if the memoranda relating to Imperial Economic Conference could be communicated to High Commissioner.—GOVERNOR-GENERAL.

Secretariat Note.—The published reports of the proceedings of the Imperial Conference and Imperial Economic Conference were sent to the Dominions and Southern Rhodesia by despatch as follows:—

(i) Imperial Conference Summary of Proceedings [Cmd. 1987]: Dominions No. 423 of the 15th November (Southern Rhodesia No. 51—Irish Free State No. 661 of the 16th November), 1923. (55412/23.)

(ii) Appendices to Summary of Proceedings [Cmd. 1988]: Dominions No. 23 (Southern Rhodesia No. 21) of the 21st January, 1924. (3190/24.)

(iii) Imperial Economic Conference Summary of Conclusions [Cmd. 1990]: Dominions No. 424 of the 15th November (Southern Rhodesia No. 52—Irish Free State No. 660 of the 16th November), 1923. (54994/23.)

(iv) Record of Proceedings and Documents [Cmd. 2009] Dominions No. 12 (Southern Rhodesia No. 13) of the 10th January, 1924. (1414/24.)

Procedure as to direct communication with the Australian States on matters arising out of the Imperial Economic Conference, 1923.

1733

No. 257.

COMMONWEALTH OF AUSTRALIA.

MR. E. J. HARDING to SIR R. R. GARRAN.

[Answered by No. 258.]

DEAR GARRAN,

Downing Street, 11th January, 1924.

You will remember that I spoke to you about the question of direct communication between the Secretary of State and the Governors of the Australian States on certain matters arising out of the Imperial Economic Conference.

In the past, when a particular subject discussed at an Imperial Conference has been a matter falling within the competence of the State Governments it has been the practice to communicate direct with them. As an instance I might refer to the question of "Provision for Deserted Wives and Children" which was discussed at the Imperial Conference of 1911; on this the Secretary of State communicated direct with the States at the same time as with the Commonwealth.

* No. 253.

† No. 252.

I enclose a schedule* of the subjects which came under discussion at the Imperial Economic Conference. Of these the following affect the States:—

(a) (3) (ii) *Preference in Public Contracts*.—There does not appear to have been any correspondence with the States arising out of the discussion of this question at the Imperial War Conference of 1918. The Economic Conference Resolution reads that "State, provincial and local Government authorities should be encouraged to take note of the . . . resolutions." It would seem therefore that correspondence with the States on the subject might be initiated either by His Majesty's Government or by the Commonwealth Government. Perhaps I might mention that correspondence has recently taken place with the Agents-General for the States on a suggestion that in placing contracts in this country a preference should be given to firms on the King's National Roll. We think that the Secretary of State would be quite prepared to take up this resolution with the States direct.

(b) (4) (C) (1) (c) *Shipping Taxation*.—It appears that non-resident shipowners and charterers are liable to State taxation in respect of shipping profits. In the case of an inquiry on the subject which was received from the Danish Government in 1922, correspondence took place with the Commonwealth Government only. But the proposals of the Imperial Economic Conference mainly affect British shipping, and it is thought that it might be desirable for the Secretary of State to communicate concurrently with the Commonwealth and States as to the recommendations of the Conference in this respect. See also under (d) below.

(c) (4) (D) *Reciprocal Enforcement of Judgments*.—Correspondence has already taken place with the States on this question, arising out of the 1911 Conference Resolution, and three States (Victoria, South Australia and Western Australia) have passed legislation to provide for reciprocity with this country. It would seem advisable accordingly to continue direct correspondence.

(d) (4) (k) *Immunity of State Enterprises*.—Correspondence has taken place direct with the States as well as the Commonwealth in regard to the "Colwyn Committee" report on this subject, and also in regard to the position of the United States Shipping Board as regards taxation. As a matter of interest it may be added that four of the States (Victoria, New South Wales, Queensland and South Australia) have already expressed general concurrence in the recommendations of the Colwyn Committee. It would therefore appear desirable to consult the States concurrently with the Commonwealth as to those parts of the Economic Conference Resolution which affect them.

(e) (6) *Forestry*.—The States as well as the Commonwealth were invited to take part in the Forestry Conference at Ottawa, the proceedings of which formed the basis of the discussion at the Economic Conference: the report of the Ottawa Conference was communicated to the States and the Commonwealth concurrently and some of its recommendations directly concern the States. It would seem best on the whole to continue separate communication with them.

(f) (7) *Workmen's Compensation*.—Correspondence arising out of the Resolution of the 1911 Conference regarding the desirability of securing more uniformity within the Empire in the law of accident compensation was conducted direct with the States, the Commonwealth Government being so informed at the time; and the resolutions of the Economic Conference expressly recognize that this subject falls to some extent within State jurisdiction. In the circumstances it would seem best to continue direct correspondence with the States so far as is necessary.

There are three other subjects dealt with at the Economic Conference which appear to concern the State Governments:—

(g) (1) *Oversea Settlement*.—It is fully recognized that the negotiation of any agreement in regard to migration into Australia is a matter for the Commonwealth Government; but it has been the practice for the Secretary of State to inform the State Governments of any agreements reached in which they are likely to be interested; and it would therefore seem desirable that the report of the proceedings of the Economic Conference on this subject should be communicated to them officially by the Secretary of State for their information.

(h) (4) (J) *Co-operation for Technical Research*.—Some of the States have in the past contributed to the upkeep of the Imperial Institute; and it would therefore appear desirable that they should be informed later of the decisions taken in regard to its future.

(i) (2) *Co-operation in Financial Assistance to Imperial Development*.—There is some doubt as to the exact intention of the Conference in regard to this subject.

* Not printed.

On the one hand the original telegram of the 16th of July last* summarizing the proposals which His Majesty's Government proposed to lay before the Conference under this head was sent only to the Commonwealth; and the resolution of the Conference refers to "schemes approved by the Dominion or Central Government concerned" (I should perhaps explain that I understand that the word "Central" was inserted to meet the views of the Indian representatives).

On the other hand, some of the remarks made by Mr. Bruce at the Conference give the impression that he had contemplated that State Governments should be invited to participate in the scheme. For example, he said: "I am very hopeful that something may flow from it. It may not be a Federal Government scheme: it may not be a State Government scheme: it may be a municipality, etc." And, again, later: "If it is only limited to the knowledge of the Commonwealth and State Governments, there is no possibility of any municipality or private enterprise endeavouring to avail themselves of it." On the whole it would appear that, if His Majesty's Government find themselves in a position to proceed with the scheme, the balance of advantage would lie on the side of direct communication with the States as well as with the Commonwealth.

The remaining Resolutions of the Conference would seem to call for communication with the Commonwealth only.

I should be grateful if you would let me know for the Secretary of State's information what are Mr. Bruce's views on this matter.

Yours, &c.,

E. J. HARDING.

4086

No. 258.

COMMONWEALTH OF AUSTRALIA.

SIR R. R. GARRAN to MR. E. J. HARDING.

(Received 28th January, 1924.)

Australia House, Strand, W.C.2,

25th January, 1924.

DEAR HARDING,

I HAVE your letters of the 11th January† and the 14th January,‡ in regard to the question of direct communication with the States of the Australian Commonwealth on matters arising out of the Imperial Conferences.

I have discussed the matter with Mr. Bruce, and, except on two of the subjects, he sees no objection to the Colonial Office communicating directly with the States.

The principle which he regards as applicable to all cases is that direct communication cannot be objected to, except where some responsibility for any action that may be taken devolves on the Commonwealth.

The two matters above referred to are the following:—

Oversea Settlement.—Seeing that the Commonwealth is responsible for migration and that agreements with regard to it have been negotiated with the Commonwealth, Mr. Bruce thinks that all correspondence with respect to this subject should be through the Commonwealth Government.

Co-operation in Financial Assistance.—The resolution appears to contemplate that approval as regards Australia should be given by the Commonwealth Government. In view of this fact, Mr. Bruce thinks that communication should be through the Commonwealth.

Yours sincerely,

R. R. GARRAN.

* No. 231. † No. 257. ‡ 2631: not printed; it referred to the question of direct communication with the Australian States on the subject of the Imperial Mycological Conference, 1924.

XI.

IMPERIAL CONFERENCE, 1923.

(Summary of Proceedings Cmd. 1987.)

Secretariat Note.—Correspondence arising out of the following subjects discussed at the Imperial Conference, 1923, is contained in this volume, as shown below :—

- (i) *Status of High Commissioners* (Section XIII of Cmd. 1987), see page 17.
- (ii) *Nationality questions* (Section XVI of Cmd. 1987), see pages 21-22.
- (iii) *Validity of Marriages between British subjects and foreigners* (Section XVII of Cmd. 1987). No correspondence ensued: but see note on page 83.
- (iv) *Publication of Official Correspondence*, see page 175. For correspondence connected with the discussions on (a) Foreign Policy and Treaties (Section VIII, IX and X of Cmd. 1987), see Dominions Nos. 88 and 93 (b) Defence (Section XII of Cmd. 1987), see Dominions No. 92.

(i) Status of High Commissioners.

(a) Precedence of High Commissioners.

3498

No. 259.

THE DUKE OF DEVONSHIRE to [THE RIGHT HONOURABLE W. L. MACKENZIE KING,] [THE RIGHT HONOURABLE S. M. BRUCE,] [THE RIGHT HONOURABLE J. C. SMUTS,] [THE RIGHT HONOURABLE W. F. MASSEY,] [MR. W. T. COSGRAVE,] [THE HONOURABLE W. R. WARREN.]

(Answered by Nos. 260, 261, 262, 263, 264 and 265.)

(Private and Personal.)

DEAR,

Downing Street, 21st January, 1924.

You will remember that various questions were raised at the Imperial Conference last year as to the position of the High Commissioners of the Dominions in London, particularly with regard to their precedence, and the grant of privileges to them in regard to exemption from taxation, etc. (See the Minutes of the 14th Meeting, pages 20-21, and the report of the Committee which appears on pages 10-11 of the Minutes of the 15th Meeting).

I promised at the time that I would go with my colleagues into the points raised and we have, since the Conference ended, actively taken them up.

The questions concerning exemption from taxation, etc., will need some further time for study, but I was particularly anxious to reach a suitable arrangement without delay as regards the question of precedence. One suggestion which has been made, viz., that High Commissioners should be placed in the same position as Ambassadors, does not appear to be practicable, since its adoption would involve giving them higher precedence than any British Minister including the Prime Minister.

A second suggestion, viz., that High Commissioners should be placed in the same position as Foreign Ministers appears equally impracticable, as we find that it would result in Dominion High Commissioners being given precedence higher than any British Minister except the Lord Chancellor, the Prime Minister, the Lord President of the Council, and the Lord Privy Seal (if a Peer).

The proper course, as I think you will agree, seems to be that the representatives of the Dominions in London, whilst being given the highest precedence practicable on ceremonial occasions should not be placed, by virtue of their office, in a position superior to that of any British or Dominion Ministers who are present on the same occasions.

To do so would raise obvious difficulties here; and it would also interfere with the practice, which is of long standing and, I am sure, right, whereby any Dominion Minister whom we are fortunate enough to be able to welcome in London takes precedence above the High Commissioner of the Dominion from which he comes.

Accordingly, the suggestions which we make for the precedence of High Commissioners are as follows, viz., that they should be given precedence, on ceremonial occasions, after any members of the British or Dominion Cabinets who may be present on any given occasion, but not in any case given a position superior to that accorded by the Table of Precedence to Secretaries of State.

This scheme would work out as follows. If British or Dominion Cabinet Ministers are present, High Commissioners will take precedence after them, i.e.,

(a) if there are present British Cabinet Ministers who rank only as Privy Councillors or Dominion Ministers whether Privy Councillors or not, High Commissioners will rank immediately after them.

(b) if there are only British Cabinet Ministers present who rank as Secretaries of State and higher, or if there are only British Cabinet Ministers present who rank higher than Secretaries of State (i.e., the Lord Chancellor, the Prime Minister, the Lord President of the Council and the Lord Privy Seal), then High Commissioners will take precedence immediately after that given in the Table of Precedence to Secretaries of State.

The latter precedence (i.e., precedence immediately after that given in the Table of Precedence to Secretaries of State), will also apply on ceremonial occasions in cases where no British or Dominion Cabinet Ministers are present.

We have ascertained that His Majesty the King would be prepared to approve of a temporary arrangement on these lines pending any general revision of the Table of Precedence which is at present based mainly on social and not on official status.

I hope very much that you will find this arrangement acceptable. I enclose two extracts* from Burke's "Peerage"; the first containing the Table of Precedence, the second containing the rule applicable to Ambassadors and Ministers. I am sending a similar letter to the Prime Ministers of the other Dominions [Not to Mr. Cosgrave: and to the President of the Executive Council of the Irish Free State.]

Yours, &c.,
DEVONSHIRE.

5001

No. 260.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY TO THE PRIME MINISTER to MR. E. H. MARSH
(COLONIAL OFFICE.)

(Received 29th January, 1924.)

(Confidential.)

Australian Delegation, Australia House, Strand,
London, W.C.2, 28th January, 1924.

DEAR SIR,

MR. Bruce has asked me to communicate with you with regard to the letter addressed by the Duke of Devonshire to him on the 21st January,† in connexion with the precedence of High Commissioners of the Dominions in London.

MR. Bruce wishes to intimate that he has no objection to the Table of Precedence outlined in the letter above-mentioned.

Yours, &c.,
F. STRAHAN,
Secretary.

7323

No. 261.

CANADA.

THE RIGHT HONOURABLE W. L. MACKENZIE KING (PRIME MINISTER) to
THE DUKE OF DEVONSHIRE.

(Received 14th February, 1924.)

(Private and Personal.)

MY DEAR DUKE, Prime Minister's Office, Ottawa, 31st January, 1924.

I HAVE received to-day your letter of the 21st instant† respecting the position of the High Commissioners of the Dominions in London.

MAY I at once express my appreciation of the kindness of your colleagues and yourself in having found it possible, under the circumstances existing, to give to this matter the time and attention it must necessarily have involved.

THE arrangement as regards the question of precedence which your letter proposes appears to me to be entirely acceptable, and I am pleased to know that His Majesty the King is prepared to approve of a temporary arrangement on the lines indicated pending any general revision of the Table of Precedence. I am sure that the official and social recognition thus accorded our High Commissioner in London will prove of advantage to both Governments and the peoples they represent.

I am pleased to know that the questions concerning exemption from taxation will be given further study. I think I am well within the mark when I say that whatever may serve to add to the dignity and emoluments of the office of High Commissioner for Canada in London will, at the same time, help to ensure its occupancy to the greatest advantage of all concerned.

Yours, &c.,
W. L. MACKENZIE KING.

* Not reprinted.

† No. 259.

11893

No. 262.

UNION OF SOUTH AFRICA.

THE RIGHT HONOURABLE J. C. SMUTS (PRIME MINISTER) to THE
SECRETARY OF STATE.

(Received 12th March, 1924.)

Prime Minister's Office, Cape Town,

MY DEAR SECRETARY OF STATE,

21st February, 1924.

I RECEIVED a private and personal letter dated 21st January* from your predecessor on the subject of the position of High Commissioners of the Dominions in London. The suggestion contained in the letter relative to the precedence of High Commissioners seems to me to be entirely acceptable, and I feel sure that my colleagues from the other Dominions will very much appreciate the generous way in which the proposals that we discussed at our meetings in London last year have been met.

With kind regards, &c.,
J. C. SMUTS.

19008

No. 263.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 5.25 a.m., 22nd April, 1924.)

TELEGRAM.

21ST APRIL. Your telegram of 10th April.† My Prime Minister has asked me to say that the proposals submitted by your predecessor with respect to precedence of Dominions High Commissioners are generally acceptable.

—ALLARDYCE.

19330

No. 264.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.35 p.m., 23rd April, 1924.)

TELEGRAM.

23RD APRIL. Your telegram of 10th April.† Precedence of High Commissioners in London. My Prime Minister informs me that he is in accord with the suggestion contained on page 3 of the Duke of Devonshire's letter of 21st January* and asks me to convey an expression of his appreciation of the consideration which has been extended to the question.—JELICOE.

19497

No. 265.

IRISH FREE STATE.

MR. W. T. COSGRAVE (PRESIDENT) to THE SECRETARY OF STATE.

(Received 24th April, 1924.)

SAORSTAT EIREANN.

The President's Office, Upper Merrion Street, Dublin,

DEAR MR. THOMAS,

19th April, 1924.

I REGRET the delay which has occurred in replying to the Duke of Devonshire's personal letter to me dated 21st January last,* on the subject of the precedence and privileges of High Commissioners, to which your letter of the 11th instant† has

* No. 259. † 15937: not printed; reminder.

reference. The proposed arrangement concerning precedence is acceptable to us as a temporary measure pending the general revision of the Table of Precedence.

The Duke, in the third paragraph of his letter, mentioned also the question of affording exemption from taxation, etc., to the High Commissioners, and stated that this matter required some further time for study. I hope that it will be found possible at an early date to arrive at a decision on this subject, and I would urge that the most acceptable solution would be an arrangement whereby High Commissioners should in this respect enjoy the privileges accorded to Ambassadors of Foreign Powers.

Sincerely yours,
W. T. COSGRAVE.

33065

No. 266.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 3.0 p.m., 19th July, 1924.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

19TH JULY. Confidential. Please inform your Prime Minister that His Majesty has now approved announcement in regard to precedence of High Commissioners, text of which is contained in my telegram* of to-day. Unless I hear to the contrary, I propose to communicate to High Commissioner on 25th July copy of announcement with copies of Duke of Devonshire's letter of 21st January† and of [your Prime Minister's] [General Smuts'] [Mr. Warren's] reply of [31st January,‡] [28th January,§] [23rd April,||] [21st February,¶] [21st April,**] and I propose also to make statement in Parliament on 29th July giving text of announcement which would be published also in the *London Gazette*. Similar communication sent to other Dominions.—THOMAS.

33065

No. 267.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 4.0 p.m., 19th July, 1924.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

19TH JULY. Confidential. My telegram†† of to-day. Following is text of announcement in regard to precedence of High Commissioners:—

Begins: [See enclosure to No. 270.] Ends.

—THOMAS.

* No. 267. † No. 259. ‡ No. 261. § No. 260. || No. 264. ¶ No. 262. ** No. 263.
†† No. 266.

33065

No. 268.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 21st July, 1924.

I HAVE the honour to transmit to you, for communication to the President of the Executive Council, copies of telegrams* sent to the Governors-General of Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa, and the Governor of Newfoundland regarding the precedence of High Commissioners in this country. Unless I hear to the contrary, I propose to communicate to the High Commissioner on the 25th of July a copy of the announcement, together with a copy of the Duke of Devonshire's letter of the 21st of January† and of Mr. Cosgrave's letter of the 19th of April‡; and to make a statement§ in Parliament on the 29th of July as set out in the enclosed telegram.

I have, &c.,

J. H. THOMAS.

33065

No. 269.

THE SECRETARY OF STATE to [THE HONOURABLE P. C. LARKIN,] [THE RIGHT HONOURABLE SIR JOSEPH COOK,] [THE HONOURABLE SIR J. ALLEN,] [THE HONOURABLE SIR E. WALTON,] [MR. J. McNEILL,] [MR. V. GORDON.]

[Answered by No. 271.]

(Confidential.)

DEAR

Downing Street, 25th July, 1924.

[To Mr. Larkin only: You will remember that we had some correspondence in January last on the question of the precedence of the High Commissioners in London on ceremonial occasions. I then explained that, arising out of the discussion of the question at the Imperial Conference (see page 17 of [Cmd. 1987]), the Duke of Devonshire had written to the Dominion Prime Ministers on the question. I now enclose a copy]

[To the others: You will no doubt remember that among the questions discussed at the Imperial Conference, 1923, was the question of the precedence of the High Commissioners in London on ceremonial occasions (see page 17 of [Cmd. 1987]). In accordance with the promise then given, the matter was examined by the late Government, and the result of this examination was incorporated in a letter† sent by the Duke of Devonshire on the 21st of January to the [Prime Minister of Canada,] [Prime Minister of the Commonwealth of Australia,] [Prime Minister of New Zealand,] [Prime Minister of the Union of South Africa,] [President of the Executive Council of the Irish Free State,] [Prime Minister of Newfoundland.] I enclose a copy]

To all: of the Duke of Devonshire's letter† together with a copy of [Mr. Mackenzie King's] [Mr. Bruce's] [Mr. Massey's] [General Smuts'] [Mr. Cosgrave's] [Mr. Warren's] reply|| accepting the proposals made therein. The proposals were also accepted by the Prime Ministers of the other Dominions [Not to Mr. McNeill: and by the President of the Executive Council of the Irish Free State], and have now received His Majesty's approval.

I have accordingly arranged to make a statement,§ of which a copy is enclosed, in Parliament on the 29th of July. The statement, the terms of which have already been communicated to [Mr. Mackenzie King,] [Mr. Bruce,] [Mr. Massey,] [General Hertzog,] [Mr. Cosgrave,] [Mr. Monroe,] will also be published in the *London Gazette*.

May I add how glad I am to be able to make this announcement, which will, I hope, place the position of the High Commissioners henceforward on ceremonial occasions on a satisfactory basis.

Yours, &c.,

J. H. THOMAS.

* Nos. 266 and 267. † No. 259. ‡ No. 263. § Enclosure in No. 270. || Nos. 261, 260, 264, 262, 265 and 263.

35269

No. 270.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.

Dominions No. 370.)

[MY LORD,] [SIR,]

Downing Street, 7th August, 1924.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copies of an announcement which appeared in the *London Gazette* of the 29th July relating to the precedence of the High Commissioners on ceremonial occasions.

2. On the same date a statement in identical terms was made by me in the House of Commons.

I have, &c.,

J. H. THOMAS.

Enclosure in No. 270.

EXTRACT FROM THE LONDON GAZETTE OF THE 29TH JULY, 1924.

AMONGST the matters discussed at the Imperial Conference, 1923, was the question of the precedence of the High Commissioners in London. In accordance with the undertaking then given (see page 17 of [Cmd. 1987]), the matter was examined and suggestions were put forward, with His Majesty's approval, by the late Government for the consideration of the Dominion Prime Ministers and the Government of India. These proposals have proved generally acceptable, and His Majesty has now been pleased to direct that the High Commissioners for Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, the Irish Free State, Newfoundland and India should be given precedence, on ceremonial occasions, according to the following principles:—

(a) When British or Dominion Ministers, being at the time members of their respective Cabinets, are present, the High Commissioners should take precedence immediately after them; this precedence is subject to the qualification that the High Commissioner should not on any occasion be given a precedence higher than that accorded by the Table of Precedence to Secretaries of State.

(b) When no members of the British or Dominion Cabinets are present, the High Commissioners should take precedence immediately after that accorded by the Table of Precedence to Secretaries of State.

39837

No. 271.

CANADA.

MR. P. C. LARKIN (HIGH COMMISSIONER) to MR. J. H. THOMAS.

[Answered by No. 272.]

Office of the High Commissioner for Canada, Kinnaird House,

DEAR MR. THOMAS, Pall Mall East, London, S.W.1, 26th July, 1924.

I AM so very grateful to you for yours of the 25th July* regarding the precedence of the High Commissioners in London on ceremonial occasions, and the announcement which accompanied it.

*No. 269.

I have read the announcement with considerable care and have spoken of it to the other High Commissioners, and some of them, who are better acquainted with matters of status than I am, would like to have time to have a meeting and discuss it, which, I am sure, could result in nothing but good. Therefore, if you can postpone its presentation to Parliament we would all be glad.

I understood that my Prime Minister's acceptance of the Duke of Devonshire's suggestions were tentative, and as I sail for home on Friday next I shall have a chance of discussing the matter fully with him. I think, though, that I may venture to say that I shall, personally, be disappointed (though I may but for a short time hold my present office) if the representative of the Dominion of Canada continues to be shown less consideration on State or other occasions than the representative of our cousins to the South. I have not the slightest desire to take precedence of His Majesty's Ministers, but that is a matter within their own power to settle, but I have a rooted objection (and I feel that my countrymen have) to the representative of Canada at the Seat of Empire being abased before the representative of our neighbours and not to have extended to him all the courtesies and consideration that is apparently so gladly shown to the representative of the American people or, for that matter, the people of Egypt who, during the last few weeks only, have been represented by a Minister in London.

I trust I am not adding to your worries but I really think there is more of this subject than appears on the surface and consequently inflict this letter on you with the hope that you will postpone the announcement to the House.

Yours sincerely,

PETER C. LARKIN.

39837

No. 272.

CANADA.

MR. J. H. THOMAS to MR. P. C. LARKIN (HIGH COMMISSIONER).

MY DEAR MR. LARKIN,

Downing Street, 28th July, 1924.

I AM sorry to see from your letter of the 26th July* that you are not quite satisfied with the arrangements made in regard to the precedence of High Commissioners on ceremonial occasions. These arrangements result, however, from a very careful examination of the situation, and they have received the concurrence of all the Dominion Prime Ministers and of the Government of India as well as the approval of His Majesty the King. All the Governments concerned have been notified that the announcement will be made to-morrow, and I am afraid, therefore, that it is impossible now to postpone it.

I might perhaps add that I had not understood that Mr. Mackenzie King's acceptance of the proposals was to be regarded as tentative, in view of the terms of his letter of the 31st January,† and the fact that over a month ago he pressed upon me by telegram the desirability of early publication in Canada of these very arrangements.

I am sending a copy of your letter to Mr. Mackenzie King, together with my reply.

Yours sincerely,

J. H. THOMAS.

(b) Taxation of High Commissioners.

12274

No. 273.

MR. J. H. THOMAS to [THE RIGHT HONOURABLE W. L. MACKENZIE KING.] [THE RIGHT HONOURABLE S. M. BRUCE.] [THE RIGHT HONOURABLE W. F. MASSEY.] [GENERAL THE HONOURABLE J. B. M. HERTZOG.] [MR. W. T. COSGRAVE.] [THE HONOURABLE W. S. MONROE.]

(Private and Personal.)

Downing Street, 10th October, 1924.

MY DEAR [MACKENZIE KING,] [MR. BRUCE,] [MR. MASSEY,] [GENERAL HERTZOG,]
DEAR [MR. PRESIDENT,] [MR. MONROE,]

* No. 271.

† No. 261.

[To General Hertzog and Mr. Monroe: As you may be aware, one of the matters which came before the Imperial Conference last year was the position of Dominion]

[To Messrs. Mackenzie King, Bruce and Massey: You will remember that amongst other matters discussed at the Imperial Conference last year was the position of Dominion]

[Not to Mr. Cosgrave: High Commissioners in the matter of British taxation, and the British representatives at the Conference promised to look into the question. The subject is one of considerable difficulty, but the points involved have now been gone into thoroughly and I write to let you know the view which my colleagues and I take.]

[To Mr. Cosgrave only: In your letter of the 19th April* about the precedence of Dominion High Commissioners in this country, you referred to the question of the position of High Commissioners in the matter of British taxation, which was also discussed at the Imperial Conference. The subject is one of considerable difficulty, but the points involved have now been gone into thoroughly and I write to let you know the view which my colleagues and I take.]

The Memorandum circulated to the Conference, of which I enclose a copy for convenience of reference, sets out clearly the differences which at present exist between the privileges granted to foreign Ambassadors and Ministers and to High Commissioners. You will see from this that very considerable concessions are already made to High Commissioners as regards taxation; in fact, wherever circumstances permit, they are now in the same position as foreign representatives. The differences do not in themselves appear to us to be of very great importance in practice; in theory they are based on the distinction between the position of a British subject who comes as a representative of his Government from one part of the King's Dominions to another and the position of a foreign citizen who, as the accredited representative of a foreign State, has a certain status under International Law.

To take in detail the main points in which differences exist:—

(1) *Income Tax*.—You will see that under the principal heading, namely, Official Salary, the High Commissioners are now exempted by statute on the same basis as foreign representatives. As regards remittances from abroad and income from investments in this country there does not appear to be any sufficient ground on which High Commissioners could claim exemption from taxation which falls on all other British subjects. In any event, any such exemption would require legislative authority, to which the Treasury consider that it would be difficult to secure the assent of Parliament.

(2) *Customs Duties*.—The difference at present is that, while Ambassadors and Ministers of foreign countries are granted exemption on goods imported for their personal use at any time, this exemption is only granted to High Commissioners on first arrival. We shall be very glad to extend this arrangement to cover goods imported at any time by High Commissioners for their personal use; the only requirement would be that in each case a signed application should be made by the High Commissioner giving particulars of the goods and definitely stating that they are for his own personal use.

(3) *Rates*.—Rates in this country represent a payment to local authorities in respect of certain services. It is true that certain reliefs are granted to foreign representatives, but these extend only to part of the rates; they are also granted on a basis of reciprocity. We doubt very much whether it would be possible to work out a similar scheme of reciprocity in the case of the Dominions. Moreover, the Crown in this country, in order to avoid casting additional burdens on other ratepayers in the neighbourhood, not only forgoes any claim to exemption in respect of its own buildings, but also bears the cost of the reliefs accorded to foreign representatives, and in the circumstances I feel sure that you will agree that it would be inappropriate that exemption from payment for the local services rendered should be claimed on behalf of Dominion Governments or their representatives.

To sum up, while we are anxious to do all that is possible towards improving the position of High Commissioners in this country, we feel that the only practicable step which we can take in this matter is that set out above in connexion with

exemption from customs duties, which I imagine should prove of considerable value. But I will await any observations you may desire to make before arranging for definite instructions to be given on this point.

I am sending a similar letter to the Prime Ministers of the other Dominions [Not to Mr. Cosgrave: and to the President of the Executive Council of the Irish Free State.]

Yours sincerely,

J. H. THOMAS.

[58542]

Enclosure in No. 273.

IMPERIAL CONFERENCE, 1923.

COMMITTEE ON PUBLICATION OF CORRESPONDENCE AND STATUS OF HIGH COMMISSIONERS.

STATEMENT AS TO PRIVILEGES AT PRESENT GRANTED TO

- (a) *Foreign Ambassadors and Ministers*, and
(b) *Dominion High Commissioners*
in the matter of British Taxation.

(Secret.)

(E. (P.S.) 2.)

(Revise.)

I. INCOME TAX.

(1) THE privileges in regard to Income Tax enjoyed by an Ambassador or Minister of a foreign State are secured to him by International Law, and depend on the fact that he represents a foreign State. Thus a foreign Government, and equally the permanent individual Head of a foreign State, are regarded as wholly exempt from British Income Tax.

The representative character of an Ambassador or Minister entitles him, not indeed to complete exemption from Income Tax, but to very wide immunities. These immunities are only one aspect—and an inseparable aspect—of the general diplomatic status accorded to him under International Law; another aspect is his immunity from legal proceedings.

(2) In the case of High Commissioners for the self-governing Dominions prior to 1916-17 no special relief was granted. From that year onwards relief from Income Tax on official emoluments has been given and this relief has now been made statutory by Section 19 of the Finance Act, 1923. The concession made in 1916-17 was analogous to that made to the Consular and certain other representatives of foreign States. (From 1922-23 onwards Consular representatives are the only class of foreign non-diplomatic representative to enjoy such relief.)

(3) The comparative position may be tabulated as follows:—

Nature of Income.	Ambassadors and Ministers.	High Commissioners.
(a) Income from earnings	Diplomatic emoluments exempt.	Official emoluments exempt.
(b) Income from Investments, &c.	Remittances from abroad exempt. Income from Investments in the United Kingdom (except from British Government securities) liable	Remittances from abroad liable. Income from Investments in the United Kingdom liable.
(c) Income from house or land property in United Kingdom	Exempt, if occupied for diplomatic purposes. Liable, if either (1) occupied for purely private purposes, or (2) let to a tenant. (Similar reliefs apply in the relatively trifling matters of I.H.D. and Land Tax).	Liable (but property relieved from tax, if owned by the Dominion Government, and occupied for Governmental purposes).

II. CUSTOMS AND EXCISE DUTIES.

(4) As a matter of international practice foreign Ambassadors or Ministers are granted exemption from customs duties in respect of articles required for their personal use.

The main articles now coming under the exemptions are motor-cars, tobacco, spirits and wine.

(5) Dominion High Commissioners are accorded relaxation in the examination of their baggage, and are also exempted from payment of all customs duties on first arrival.

No further exemption from customs duties is granted, except as regards motor-cars for official use.

(6) Remission of excise duties has never been granted, either to foreign or Dominion representatives.

In the case of foreign representatives, however, there is an old standing exemption in respect of the relatively small matter of Establishment Excise Licence Duties, e.g., the gun licence and the licence to employ a male servant.

III. RATES, AND MOTOR-CAR LICENCE DUTY

(charges assessed and levied by the Local Authorities).

(7) Under reciprocal agreement with nearly all foreign countries foreign Ambassadors or Ministers are relieved of the part of the Rates referable to services not of direct benefit to them (poor relief, police rate, &c.)

(8) There is no corresponding relief applicable to Dominion representatives.

(No exception is given in respect of property owned by the Crown; the Crown in this country voluntarily forgoes any claim, in order to avoid adversely affecting other ratepayers in the neighbourhood).

(9) Foreign Ambassadors and Ministers are exempted from motor-car licence duty whether their cars are owned by themselves or by their Governments.

Dominion High Commissioners are exempted from motor-car licence duty in respect of Government-owned cars used by them for official purposes.

(10) It may be added that no privileges at all are given in regard to stamp duties or in regard to death duties except that any movable property which may be actually situate in an Embassy or Legation is exempt from death duties.

2, Whitehall Gardens, S.W.,
29th November, 1923.

59853

No. 274.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 3.15 p.m., 20th December, 1924.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Irish Free State.)

(Newfoundland.)

20TH DECEMBER. Please give following message from me to [your Prime Minister] [President of Executive Council]:—

Begins: You will probably have seen press reports of my announcement at Canada Club dinner on 15th December regarding position of Dominion High Commissioners in matter of taxation in this country about which my predecessor wrote to you on 11th October.*

Our intention is that distinctions shown in enclosure to that letter as existing between personal position of High Commissioners and of foreign Ambassadors and Ministers in regard to exemption from taxation here

* No. 273.

(including local rates) should be removed, and we will ask Parliament to give legislative effect when necessary to this intention in next year's Finance Bill.

Full statement of additional personal privileges proposed to be granted to High Commissioners is as follows:—

(i) Exemption from Income Tax here on private remittances from abroad and investments in British Government securities.

(ii) Exemption from Customs Duties on goods imported at any time by High Commissioners for their personal use.

(iii) Exemption from payment of certain excise licence duties, e.g., gun licence and licence to employ male servants.

(iv) Relief from motor car licence duty on High Commissioners' private cars.

(v) Relief from part of rates levied by local authorities referable to services not of direct benefit to High Commissioners. *Ends.*

—AMERY.

(ii) Nationality Questions.

[See also pages 57-60 above.]

35603

No. 275.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 28th July, 1924.)

[Answered by No. 277.]

(No. 138.)

SIR, Governor-General's Office, Melbourne, 12th June, 1924.

I HAVE the honour, at the instance of my Prime Minister, to bring to your notice that the Commonwealth Nationality Act provides that the President of a Committee of Inquiry constituted to investigate circumstances in connexion with the revocation of Certificates of Naturalization shall be a person who has been, or is, a Justice of the High Court of Australia, a Judge of the Supreme Court of a State, or the officer holding the principal judicial office in a Territory, these persons corresponding to those named in the British Act.

My Prime Minister states that in practice it has been found difficult to secure a President with the requisite qualifications, and in order to facilitate the holding of inquiries the Commonwealth Government submitted to the last Imperial Conference the question of amending the Act to enable a Committee of Inquiry to be presided over by a Judge of a District Court or of a County Court, or by a Special or Stipendiary Magistrate.

The Committee of the Conference which investigated the matter came to the following conclusion:—

"Having heard the reasons for which the Commonwealth Government is disposed to provide that the presidency over such Committees of Inquiry may, where convenient, be taken by persons holding judicial office of lower standing than that prescribed at present by the Commonwealth statute, the Committee see no objection to a question of machinery of this nature being settled according to local circumstances and needs, if after examination of the experience of the Committee of Inquiry and of the practice which has grown up in the United Kingdom, the Commonwealth Government desires to make an alteration."

The Commonwealth Government is desirous of taking steps to amend the Nationality Act in the direction indicated, but before doing so would be glad to learn the views of the British Home Office on the subject. I should be glad, therefore, if you would be so good as to ascertain and communicate to me, for the information of my Ministers, the views of the Home Office.

I have, &c.,

FORSTER,
Governor-General.

35608

No. 276.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 28th July, 1924.)

[Answered by No. 278.]

(No. 143.)

SIR,

Governor-General's Office, Melbourne, 18th June, 1924.

I HAVE the honour, at the instance of my Prime Minister, to bring to your notice that at the last Imperial Conference the question of the amendment of the British Nationality and Status of Aliens Act proposed by the Commonwealth Government, which would permit of the readmission to British nationality of British-born women who had married unnaturalized aliens and had been deserted or separated from them, was discussed by a Committee appointed for the purpose, and the following resolution passed:—

"The Committee are of opinion that the principle of the existing law that the nationality of a woman depends on that of her husband should be maintained. They nevertheless recommend that power should be taken to readmit a woman to British nationality in cases where the married state, though subsisting in law, has to all practical purposes come to an end."

The conclusions of the Committee were reported to the Conference and received its approval.

As several instances have come under the notice of the Commonwealth Government of cases where women of Australian birth, married to aliens and separated from them, have suffered hardships through ineligibility to reacquire British nationality, my Ministers are desirous of taking early action to remedy this by amending the Commonwealth Nationality Act. My Prime Minister informs me that such an amendment must be preceded by a similar amendment of the British Nationality and Status of Aliens Act.

The Commonwealth Government will be glad, therefore, if you would be so good as to bring the matter to the notice of His Majesty's Government with a view to its being given early and favourable consideration.

I have, &c.,

FORSTER,

Governor-General.

42261

No. 277.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 336.)

MY LORD,

Downing Street, 11th September, 1924.

WITH reference to Your Excellency's despatch No. 138 of the 12th of June* regarding the constitution of Committees of Inquiry in connexion with the revocation of certificates of naturalization, I have the honour to transmit to you, to be laid before your Ministers, the accompanying memorandum as to the practice and experience in the United Kingdom in this respect, which has been prepared in the Home Office.

I have, &c.,

(for the Secretary of State),

ARNOLD.

* No. 275.

Enclosure in No. 277.

MEMORANDUM.

(Confidential.)

COMMITTEE OF INQUIRY APPOINTED UNDER SECTION 7 (3) OF THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1914, IN CONNEXION WITH REVOCATION OF NATURALIZATION.

THE Committee of Inquiry appointed in the United Kingdom under this subsection is a permanent Committee of three members; its President is a Judge of the High Court; of the other two members one is a member of the House of Lords and the other a County Court Judge. It conducts its deliberations in accordance with rules made by the Secretary of State, which provide *inter alia* that the Committee may, if it thinks fit, act upon any information which is available whether or not such information is given on oath or would be admissible in a Court of Law.

It is open to the Secretary of State under the Act to refer a case to the High Court instead of to the Committee, but the rules of the High Court as to procedure and evidence are not appropriate to this kind of inquiry and would involve unnecessary difficulties and delays. The function of the Committee is to investigate and advise the Secretary of State on certain questions which are essentially questions of fact; the proceedings are not judicial proceedings and the scope of the Inquiry is not and ought not to be limited by the strict rules of evidence or the procedure of the Courts. In the view of this Department, therefore, the power to refer a case to the High Court is intended only for use in very exceptional circumstances, and no case has yet occurred in which such reference has been made.

Apart from the above point as to procedure, the experience of this Department has shown that there are certain definite advantages arising from the constitution of the Committee as a single and permanent body for conducting inquiries under the section. There is no legal obligation on the Secretary of State to accept the Committee's findings, but in practice he invariably acts upon them and it is therefore of great importance, for the purpose of securing continuity of policy, that all the cases submitted should be more or less uniformly treated and that the decisions, which often involve questions of law as well as of fact, should so far as possible be consistent with one another. It is obvious that this result is more likely to be attained by the appointment of a single standing Committee. Further, the cases which the single Committee appointed in the United Kingdom has dealt with form a continually growing body of precedents, which constitute something like a code of case-law on questions arising out of Section 7 of the Act, and this code is not only of assistance to the Committee itself but is of the greatest value to the Secretary of State in dealing with new cases as they arise, and in deciding as to the kind of case in which he need not trouble the Committee for advice, but can utilize the power, conferred on him by Section 7 of the Act, of revoking a Certificate of Naturalization without reference.

For example, under Section 7 (2) (d) of the Act the Secretary of State has power to revoke a Certificate of Naturalization without reference to the Committee where the holder has been absent for more than seven years from, and has severed his connexion with, His Majesty's Dominions, and where the continuance of the Certificate is not conducive to the public good. This is the most frequent type of case in which the question of revocation arises, and as a result of the Committee's decisions in individual cases of this kind there is now available a number of dicta on certain points of difficulty involved. Among other questions on which the Secretary of State has received considerable assistance are (1) the meaning and practical application of the condition precedent to revocation on this ground that the Secretary of State shall be satisfied that the grantee of the Certificate has not maintained substantial connexion with His Majesty's Dominions, and (2) what are the circumstances in which the continuance of the Certificate may be said to be not conducive to the public good. On this latter point the Committee have formulated some important general principles, e.g., that it rests with the Crown to establish that the continuance of the Certificate is not conducive to the public good, and that this point cannot be taken as necessarily established merely by proving absence from this country under the conditions indicated in the Statute. At the same time the Committee have given their opinion that they consider it undesirable that British nationality should be possessed by persons of alien origin permanently resident abroad. With the assistance of these and similar dicta the Department is in a

position to decide without difficulty whether in any individual instance a *prima facie* case is established for taking steps for revocation under the sub-section and, if so, whether the case falls within precedents which enable the Secretary of State to revoke the Certificate out of hand, or whether it presents sufficient points of doubt to make it desirable to obtain the Committee's advice. By the differentiation of cases in accordance with the practice of the Committee along these lines, and by reference to decided cases for guidance on particular points, the Department and the Committee alike are saved much time and trouble, and in the experience of the Home Office the policy adopted in the United Kingdom has led to the gradual formation of a settled and consistent system of practice on the whole question of revocation.

44656

No. 278.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.

Dominions No. 526.)

[MY LORD, [SIR,]

Downing Street, 6th November, 1924.

As [Your Excellency's] [your] Ministers are aware, the Imperial Conference of 1923 considered certain questions connected with the law of British nationality, which were referred to a Committee of the Conference under the Chairmanship of the Secretary of State for Home Affairs. These questions included:—

(a) The grant of Certificates of Naturalization to persons resident in Mandated Territories.

(b) The nationality of married women.

2. As regards the former question, the Committee recommended that the power of granting Certificates of Imperial Naturalization should be extended so as to cover persons resident in "B" and "C" Mandated Territories and also in Protectorates. As regards the latter question, it adopted the following resolution:—

"The Committee are of opinion that the principle of the existing law that the nationality of a married woman depends on that of her husband should be maintained. They nevertheless recommend that power should be taken to readmit a woman to British nationality in cases where the married state, though subsisting in law, has to all practical purposes come to an end."

These recommendations were approved by the Conference.

3. I enclose the draft of a Bill* which has been prepared in order to give effect to the conclusions of the Imperial Conference on the above matters, together with an explanatory memorandum. Should your Ministers have any observations to offer on the provision of the draft Bill, His Majesty's Government would be glad to receive them.

4. I take this opportunity to state that two further proposals for the amendment of the British Nationality and Status of Aliens Act, 1914, have recently been under consideration. These are:—

(1) That facilities should be given for the acquisition of British nationality by children of the third generation born abroad of British parents during the War;

(2) That a British-born woman should not on marriage lose her British nationality if and so long as she does not acquire the nationality of her husband under the law of his country.

5. I enclose a memorandum dealing with these two proposals. As regards the second, I would invite reference to my despatch Dominions No. 374 of the 7th August.† His Majesty's Government would be glad to learn your Ministers'

* Not reprinted. † 34129: not printed; it enclosed a copy of the House of Lords Official Report of the 30th July containing a discussion on a motion by Lord Danesfort relating to the nationality of married women.

views on these proposals, and to know whether they would concur in the amendment of the Act of 1914 in the manner indicated in the memorandum.

[To Commonwealth of Australia only: 6. I take this opportunity of acknowledging the receipt of your despatch No. 143 of the 18th June,* to which the foregoing paragraphs of this despatch afford a reply.]

I have, &c.,

J. H. THOMAS.

Enclosure 1 in No. 278.

MEMORANDUM ON THE DRAFT BILL TO AMEND THE BRITISH NATIONALITY AND STATUS
OF ALIENS ACTS, 1914-1922.

1. The accompanying draft of a Bill† to amend the British Nationality and Status of Aliens Act, 1914, is designed to give effect to the recommendations of the Imperial Conference, 1923, as regards the naturalization of persons in Mandated Territories and as regards the naturalization of women married to aliens and living apart from their husbands.

2. The recommendation of the Conference with regard to naturalization in Mandated Territories was to the effect that the power of granting Certificates of Imperial Naturalization should be extended so as to cover persons resident in "B" and "C" Mandated Territories. The Conference further recommended that similar facilities should be extended to persons resident in Protectorates. It has been thought desirable that the requisite amendment should take the form of a new section to be inserted at the end of Part II of the British Nationality and Status of Aliens Act, 1914 (herein called the Principal Act). It is accordingly provided in Clause 1 (1) of the Bill that a new section called Section 9 A shall be added to Part II of the Principal Act. The effect of the new Clause is to give power to His Majesty by Order in Council to extend Part II of the Principal Act to the Mandated Territories named in Part I of a new (4th) Schedule which is to be added to the Principal Act, and to the Protectorates named in Part II of the 4th Schedule.

Similarly in the case of a Mandated Territory which is administered by a self-governing Dominion provision is made in sub-section (3) of the new Section 9 (A), which will enable the Governor-General in Council of the Dominion (if the legislature of the Dominion has adopted Part II of the Principal Act) to make an Order in Council extending Part II of the Act to the territory administered by that Dominion. The self-governing Dominions concerned and the territories administered by them are named in a 5th Schedule which is added to the Principal Act by the Bill.

The effect of the application of Part II of the Principal Act as provided in the new Section 9 A (1) will be that residence in the territory to which the Order in Council applies will be treated for the purpose of qualification for Imperial naturalization as if it were residence in His Majesty's Dominions. It is to be observed that such residence will count whether it took place before or after the date when the Order in Council comes into operation. Further, an intention to continue to reside in such territory is, as provided by Section 9 A (1) to be regarded as if it were as intention to reside in His Majesty's Dominions.

The provisions described in the foregoing paragraph are necessarily of a somewhat technical character, but there appears to be no reason why the provisions of the Bill should give rise to difficulties in administration. The necessary modifications of the Principal Act for the purpose of applying the provisions of Part II to the territory in question will, as provided in sub-section 2 of the new Section 9 A, be contained in the Order of His Majesty in Council or the Order of the Governor-General in Council as the case may be; and a draft of a form of Order in Council which (subject to any amendment which on consideration may appear desirable) would appear suitable for cases falling under sub-section (1) of Section 9 A is attached. (Appendix A.)

4. As regards the further recommendation of the Imperial Conference on the subject of the nationality of married women, it will be recalled that the Conference, while of opinion that the existing law that the nationality of a married woman depends on that of her husband should be maintained, nevertheless recommended

* No. 276.

† Not reprinted.

that power should be taken to readmit a woman to British nationality in cases where the marriage state, though subsisting in law, has to all practical purposes come to an end. For the purpose of giving effect to this recommendation it is proposed in Clause 2 of the draft Bill to add an additional proviso at the end of Section 10 of the Principal Act. It is thought that this provision as drafted, for the grant of a Certificate of Naturalization to a woman whose separation from her husband is presumed to be permanent, substantially meets the intention of the recommendation by the Conference. The authority granting the Certificate will have power in his discretion to decide whether or not the separation in any particular case may be presumed to be permanent, and whether the circumstances are such that a Certificate should be granted to the woman apart from her husband.

APPENDIX A.

DRAFT FORM OF ORDER IN COUNCIL.

1. (1) THIS Order may be cited as the British Nationality and Status of Aliens () Order, 1924.

(2) In this Order the expression "the territory" means ().

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

2. The principal Act shall extend to the territory subject to the modifications hereinafter expressed.

3. In Section 2 and in sub-sections (2) and (5) of Section 7 of the Principal Act the expression "His Majesty's Dominions" and in sub-section (2) of Section 19 of the same Act, the expression "British possession" shall respectively be construed as including the territory.

4. Section 8 of the Principal Act (which relates to the power of Governments of British Possessions to grant Certificates of Imperial Naturalization) shall in its application to the territory be adapted so as to read as follows:—

"8. (1) Subject as hereinafter provided the Governor of the territory or a person acting under his authority shall have the same power to grant a Certificate of Naturalization as the Secretary of State has under this Act, and the provisions of this Act as to the grant and revocation of such a Certificate shall apply accordingly with the substitution of:—

(a) 'The Governor or a person authorized by him' for 'the Secretary of State';

(b) 'The territory' for 'the United Kingdom';

(c) 'The Court of the territory' for 'the High Court'; and

(d) 'The English language or the language' for 'the English language'; and with the omission of any reference to the Lord Chancellor.

"Provided that the exercise of powers under this section by the Governor or a person authorized by him shall be subject in each case to the approval of the Secretary of State, and any Certificate proposed to be granted and any proposal to revoke any such Certificate shall be submitted to the Secretary of State for his approval.

"(2) Any Certificate of Naturalization granted under this section shall have the same effect as a Certificate of Naturalization granted by the Secretary of State under this Act."

Enclosure 2 in No. 278.

MEMORANDUM ON PROPOSED FURTHER AMENDMENTS TO THE NATIONALITY AND STATUS OF ALIENS ACT, 1914.

In addition to the proposals discussed at the Imperial Conference of 1923, His Majesty's Government have at the present time under consideration further proposals for the amendment of the British Nationality and Status of Aliens Act, 1914, and it seems desirable to take this opportunity of explaining these further proposals with a view to obtaining any observations which the Dominion Governments may desire to make. The proposals and certain points which arise for consideration in connexion therewith are as follows:—

A. That facilities should be given for the acquisition of British nationality by children of the third generation born abroad of British parents during the late War.

(i) His Majesty's Government have taken this proposal into consideration in consequence of representations which have been made to them that there are children in the above category who would have been born on British territory (and would thus have become British subjects at birth) if their mothers had not been prevented by the circumstances of the War from leaving the foreign country in which they were resident. While, however, the grievance involved arouses sympathy, it requires careful examination before it is attempted to apply a remedy by legislation.

(ii) It would not be practicable to attempt to confine the necessary legislation to the comparatively small number of individuals who are the subject of the special grievance which His Majesty's Government have been asked to remove; and any facilities provided must extend to the whole class of children of the third generation born during the War period. The question arises whether in these circumstances the proposal is one which ought to be adopted.

(iii) It will be recollected that with the approval of the Conference of Prime Ministers held in 1921, an amendment of the Principal Act was introduced by the Act of 1922, under which facilities were provided for the acquisition of British nationality by registration at British Consulates of the birth of children born abroad of British parents. The operation of this Act was with two exceptions confined to children born after the passing of the Act of 1922. The exceptions are (1) children of the second generation born abroad of British parents since the Act of 1914 came into force. As regards these children—who it is to be remembered would have been British subjects under the pre-1914 law—the Act of 1922 was expressly made retrospective, and gave facilities for the registration of their births within the year after the first of August, 1922. (2) Children of the third generation who were born within the year (or in special cases two years) before the Act of 1922 was passed, and who could accordingly still be registered within the time which the Act allowed.

The present proposal could be carried out by an amendment of the registration provisions introduced by the Act of 1922 into the Principal Act (paragraph (v) of Section 1 (1) (b)) so as to extend the retrospective operation of these provisions by providing facilities for the registration within a certain time, say one year, after the passing of the amending enactment, of the births of all children of the third generation born abroad during the War. It may be mentioned, however, that the circumstances which have given rise to the present demand for these facilities were not lost sight of at the time when the Act of 1922 was formulated, and it was decided at that time that as the children of the third generation born abroad had not at any time had any claim to British nationality under our law there would be no justification for including within the scope of the new registration scheme any of such children who were born before the time when the Act began to operate.

Further information, which has recently reached His Majesty's Government as to the satisfaction given by the Act of 1922 to the great majority of members of the important British Communities in the South American Republics, who had pressed for remedial legislation, shows that there is reason to fear that the present proposal might revive or create a grievance among the small minority of persons of the third generation who, having been born before the War, would not come within its scope.

It was thought, moreover, that in many instances the difficulty might be overcome by means of the facilities provided by Section 5 (2) of the Principal Act for the grant of certificates of naturalization to minors; and His Majesty's Government accordingly promised that favourable consideration would be given to applications by children in this category in the event of their visiting this country for the purpose of education or otherwise.

(iv) His Majesty's Government, in entertaining the present proposal, have been moved by the arguments that the interference with travelling facilities during the War involves a special hardship which ought, if possible, to be remedied, and is not fully met by the offer to consider favourably applications by the children concerned for naturalization as minors.

(v) Before proceeding any further in the matter it would be of advantage to His Majesty's Government to receive any observations which the Dominion Governments may desire to offer; and in particular to be informed whether they would be prepared to concur in an amendment of paragraph (v) of Section 1 (1) (b) of the

Principal Act (as amended by the Act of 1922) for the purpose of enabling the birth of a child of the third generation born abroad of British parents during the period between the date of the commencement of the War (4th August, 1914) and the date when the Act of 1922 was passed (4th August, 1922), to be registered.

B. That a British-born woman shall not on marriage lose her British nationality if and so long as she does not acquire the nationality of her husband under the law of his country.

(i) It has been represented to His Majesty's Government that inconvenience and hardship have been suffered, in particular, by women of British birth married to citizens of the United States of America in consequence of the operation of the United States law known as the Cable Act, which was passed on 22nd September, 1922. Under that Act a woman who, after the passing of the Act marries a citizen of the United States of America, does not acquire American citizenship and has to wait until she has been resident in the United States for a period of at least a year before she can acquire her husband's nationality by naturalization. In the meantime, as she has lost her British nationality by marriage to an alien, she is without any nationality.

In consequence of the operation of the Cable Act difficulties have been experienced in regard to the grant of passport facilities to such women, and in a few instances permission to land in the United States of America has been refused or delayed by reason of the fact that the women concerned do not possess American citizenship. The above proposal to amend the Principal Act has been suggested as a remedy to meet the case, and attention has been drawn to the recommendation to the same effect in the draft report of the House of Lords members of the Joint Select Committee of both Houses which deliberated in 1923, on the subject of the Nationality of Married Women.

(ii) It must be observed that the above proposal, under which a woman who is a British subject would not lose her British nationality on marriage to an American citizen or to a citizen of any other foreign country which possesses a law similar to Section 2 of the Cable Act, is open to the objections that the nationality of a person in contemplation of British law ought not to be dependent on foreign law, and that the adoption of this proposal may introduce uncertainty into the position of British-born women who marry aliens, by reason of the fact that it will be necessary to ascertain in each case whether the woman in question has acquired her husband's nationality—a point which might not be easy to establish definitely.

(iii) Further, the difficulties experienced by women who have married citizens of the United States of America in securing passport facilities have been partly overcome by administrative arrangements with the United States Government; and any disability which they may suffer as regards obtaining leave to land in the United States of America would not be removed by the amendment proposed, since the women concerned would still be "aliens" in United States law.

(iv) The present position cannot, however, be regarded as wholly satisfactory and it is desirable to ascertain whether the Dominion Governments are disposed to agree that without reopening the decision of the Imperial Conference, 1923, not to adopt the sweeping change which was under consideration at that time, and to maintain the principle of the existing law that the nationality of a married woman depends on that of her husband—the minor concession involved in the present proposal should be granted.

56133

No. 279.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1st December, 1924.)

(No. 292.)

SIR, Governor-General's Office, Melbourne, 15th October, 1924.

WITH reference to your despatch dated 7th August, 1924, Dominions No. 374,* on the subject of the nationality of British-born women who marry aliens

* 34129: not printed; it enclosed a copy of the House of Lords Official Report of the 30th July containing a discussion on a Motion by Lord Danesfort relating to the nationality of married women.

and do not acquire the nationality of their husbands on marriage, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government is in favour of the existing law being amended to provide that a British-born woman shall not on marriage lose her British nationality if she does not acquire that of her husband under the law of his country, and that on the British Parliament passing such legislation the Commonwealth Government will be prepared to take similar action.

I have, &c.,

FORSTER,

Governor-General.

(iv) Publication of Official Correspondence.

54130

No. 280.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 477. Confidential.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	
(Irish Free State. Confidential.)	

[MY LORD,] [SIR,] Downing Street, [21st] [22nd] December, 1923.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, copies of a statement prepared at the recent Imperial Conference on the subject of the publication of official correspondence between the various Governments of the Empire.

2. The Conference considered the possibility of this statement being included in its published report, but decided that this course was not necessary. It was, however, thought that the statement should be included among the unpublished papers of the Conference, and should be communicated to the Dominion Governments for the use of any of the Prime Ministers who might wish to make a public announcement on the subject.

[To Irish Free State only: 3. A similar despatch has been sent to the other self-governing Dominions.]

I have, &c.,

DEVONSHIRE.

Enclosure in No. 280.

THE Conference gave its attention to the desire of the Parliaments of the various parts of the Empire to be afforded the fullest information possible on all matters on which negotiations were going on, or discussions taking place, between two or more Governments.

The Conference recognized that if consultation, to which it attached great importance, was to be carried out effectively, this must involve a frank and confidential interchange of views in written or telegraphic communications, and that many of the communications exchanged between the Governments, particularly in connexion with foreign policy and defence, could not be made public. At the same time, the feeling of the Conference was that as many communications as possible ought to be made available for the use of the Parliaments, and it was thought desirable to discuss the circumstances in which official communications between the Governments could and could not be made public.

It was generally agreed that any official communication not marked "confidential" or "secret" or not clearly intended to be treated as such, might be regarded as available for publication without reference to any other Government.

It was understood that, so far as each Government was concerned, and subject to the need for mutual consent in certain cases, the responsibility as to publication of correspondence with other Governments rested with the Ministers of the Crown in the Dominions as in Great Britain.

It was, of course, realized that it would be necessary to observe the general rules regarding diplomatic correspondence, and that in particular the consent of foreign Governments must be obtained before publication of communications to or from those Governments.

The Conference thought that should the eventual, but not immediate, publication of certain communications be contemplated, it would be well for some indication of this to be given at the time when those communications were sent. This arrangement would facilitate subsequent publication if decided upon. It was, however, agreed that the consent of all the Governments interested must be obtained before any papers or communications were made public which were marked at the time of despatch to be of a confidential or secret nature, or were transmitted in confidential or secret despatches.

XII.

IMPERIAL ECONOMIC CONFERENCE, 1923.

Summary of Conclusions [Cmd. 1990]: Report [Cmd. 2009.]

Note.—The numbering of the resolutions follows that employed in [Cmd. 1990] and [Cmd. 2009].

1. OVERSEA SETTLEMENT WITHIN THE EMPIRE.

It was decided to adopt the following resolution:—

This Imperial Economic Conference approves the report of the Committee appointed to consider questions relating to overseas settlement.* The Conference endorses the recommendations of the Committee, and notes with satisfaction the arrangements as recorded in the report which have been arrived at, or are in contemplation, with a view to improving the facilities for settlement within the Empire.

The Conference takes this opportunity of reaffirming its sense of the importance of the policy of overseas settlement to the well-being of the Empire.

* See pages 136-150 of [Cmd. 2009].

Correspondence relating to Oversea Settlement is printed in Dominions No. 89.

J. H. THOMAS

* Not printed; see Cmd. 2009, page 133.

2. CO-OPERATION IN FINANCIAL ASSISTANCE TO IMPERIAL DEVELOPMENT.

It was agreed that the scheme recommended by the Committee on Co-operation in Financial Assistance to Imperial Development be adopted. The report of the Committee reads as follows:—

The Committee on Financial Co-operation recommends for adoption by the Conference the following scheme, which was submitted to the Committee by the representatives of His Majesty's Government.

The suggestion which the Imperial Government make is that in order to facilitate the anticipation of work which otherwise would not be taken in hand for some years they should give a contribution towards the interest charges on loans raised for capital expenditure of this kind by public-utility undertakings (viz., communications, power, lighting, water, drainage, irrigation, &c.). These undertakings might be under either public or private control or management.

The assistance would be in respect of expenditure on orders placed in this country, and would be applicable only to schemes approved by the Dominion or Central Government concerned and certified by it to be in anticipation of normal expenditure. Payment would be made to the Dominion or Central Government, which would be responsible for payment to the ultimate recipient.

It is suggested that the maximum grant should be three-quarters of the interest charges for a period of five years.

In order to qualify for the Imperial contribution a scheme must be accepted by the Imperial Government within the next three years. The approval on behalf of the Imperial Government would be given after consultation with the Treasury, the Colonial or India Office, and the Board of Trade.

It would be understood that priority will be given to schemes involving the earliest placing of orders.

5522

No. 281.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 289.]

(No. 86.)

SIR,

Downing Street, 12th February, 1924.

I HAVE the honour to request Your Excellency to invite the attention of your Ministers to the Scheme for Co-operation in Financial Assistance to Imperial Development, which was adopted by the Imperial Economic Conference at its meeting on the 2nd November, 1923. A report of the Scheme, and of the discussion precedent to its adoption, will be found on pages 151-173 of the Record of Proceedings and Documents (Cmd. 2009), of which copies were transmitted to you in my despatch Dominions No. 12 of the 10th January.*

2 His Majesty's Government will be glad to learn, at the earliest date convenient to your Ministers, whether they desire to avail themselves of the provisions of the Scheme.

I have, &c.,
J. H. THOMAS.

* Not printed; see Note on page 153.

55172

No. 282.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNORS.

(Sent 7.30 p.m., 20th February, 1924.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)
(Southern Rhodesia.)

20TH FEBRUARY. Please inform your Ministers that His Majesty's Government accept in principle recommendation of Imperial Economic Conference regarding Co-operation in Financial Assistance to Imperial Development and are initiating legislation in Parliament in order to give effect to it.—SECRETARY OF STATE FOR THE COLONIES.

9911

No. 283.

SOUTHERN RHODESIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8.15 p.m., 29th February, 1924.)

TELEGRAM.

[Answered by No. 286.]

29TH FEBRUARY. With reference to your telegram of 20th February* and to Resolution No. 2 of Imperial Economic Conference dealing with co-operation in financial assistance to Imperial development.

This Government desires to know if proposed assistance would be available in following instance. The number of cattle in this Colony will possibly prove to be insufficient to justify immediate erection of meat refrigerating works in Southern Rhodesia by unaided private enterprise. If the works erected they will be unlikely to yield any dividend on capital expenditure for the first five years. Nevertheless, the public benefit involved in the establishment of these works to enable the export trade in beef to be commenced is considered sufficient to justify liberal State assistance to the undertakers. All efforts to secure erection of the works by private firms without exorbitant and onerous concessions which are considered impossible have so far been unavailing. Suggested maximum grant of three-quarters of interest charges for five years on purchase price of machinery ordered in United Kingdom would in all probability be of material assistance in overcoming difficulties. Total cost of the works is estimated at about a million sterling. This Government will contribute free land, grant customs exemption and other facilities. My Government inquires whether the resolution referred to would apply to proposed undertaking, and, if so, whether the Imperial Government would be disposed to consider favourably an application for assistance under the said resolution.—CHANCELLOR.

* No. 282.

8494

No. 284.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNORS.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.
(Southern Rhodesia. No. 82.)

Dominions No. 100.)

[MY LORD,] [SIR,]

Downing Street, 5th March, 1924.

WITH reference to my [To all except Irish Free State: telegram of the 20th of February,*] [To Irish Free State: despatch No. 152 of even date,†] I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of an extract‡ from the proceedings of the Imperial Economic Conference containing the resolution and discussions of the Conference on the subject of Co-operation in Financial Assistance to Imperial Development.

2. I enclose also copies of the Trade Facilities Bill,§ which has been introduced into Parliament, together with an explanatory memorandum|| issued in connexion with the Bill.

I have, &c.,
J. H. THOMAS.

8494

No. 285.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 152.)

SIR,

Downing Street, 5th March, 1924.

WITH reference to my despatch No. 86 of the 12th February,¶ I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a telegram* to the other self-governing Dominions and to Southern Rhodesia intimating that His Majesty's Government accept in principle the recommendation of the Imperial Economic Conference regarding Co-operation in Financial Assistance to Imperial Development.

I have, &c.,
J. H. THOMAS.

11769

No. 286.

SOUTHERN RHODESIA.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 4.45 p.m., 13th March, 1924.)

TELEGRAM.

13TH MARCH. Your telegram 29th February.** Regretted that scheme for erection of meat refrigerating works could not be considered to fall under heading of public utility undertakings as contemplated in Resolution of Imperial Economic Conference and defined in Clause 2(6) of Trade Facilities Bill now before Parliament. See my despatch of 5th March, No. 82.††—SECRETARY OF STATE FOR THE COLONIES.

* No. 282. † No. 285. ‡ See pages 151-173 of [Cmd. 2009.] § See Trade Facilities Act, 1924 (Section 2) (14 and 15 Geo. V, c. 8). || [Cmd. 2049.] ¶ No. 281. ** No. 283. †† No. 284.

13437

No. 287.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.54 a.m., 20th March, 1924.)

TELEGRAM.

[Answered by No. 288.]

20TH MARCH. With reference to Report of Committee on Financial Co-operation adopted by the Imperial Economic Conference in November last, my Prime Minister asks me to communicate to you the following information in regard to New Zealand's participation in the scheme, with the request that representations may be brought to the notice of the Chancellor of the Exchequer:—

Begins: The policy of the New Zealand Government respecting the hydro-electric development in the Dominions involves expenditure of approximately £1,000,000 per annum spread over the next ten years. The details of this expenditure for the next six years as set out in Public Works Statement laid before Parliament last Session (page XI) amounts to £6,513,000 of which it is estimated that about one-half will be on account of imported material and that orders for 90 per cent. of the latter will be placed in the United Kingdom.

In order to take advantage of Empire Development Fund Grants, the New Zealand Government proposes to expedite the next six years' programme, spreading the total outlay over four years instead of six years, and issue specifications for necessary materials as early as possible, and that arrangements be made with His Majesty's Government to advance such additional amount(s) as may be necessary to effect such expedition on account of orders for plant and material placed in Great Britain.

The Government is also considering proposals for further development in connexion with railway public works, and posts and telegraphs departments, and will be glad to supply any further information which may be required for His Majesty's Government. *Ends.*

—J. JELICOE.

15640

No. 288.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11 a.m., 9th April, 1924.)

TELEGRAM.

Your telegram of 20th March.* His Majesty's Government consider that loans for capital expenditure for purposes indicated in first part your telegram would fall within scope of scheme recommended by Economic Conference and provision made in Clause 2 Trade Facilities Bill of which copy enclosed in my despatch 5th March, Dominions 100.† As regards part 2 of your telegram, I would explain that scheme provides only for payment of proportion of interest on account of loans. Pending passage of Bill, it does not appear possible to consider what further information would be required regarding these proposals or other proposals referred to at end of your telegram, but further communication on the subject will be sent as soon as possible after passage of Bill.—SECRETARY OF STATE FOR THE COLONIES.

* No. 287. † No. 284.

23552

No. 289.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17th May, 1924.)

[Answered by No. 292.]

(No. 188.)

SIR,

Vice Regal Lodge, Dublin, 16th May, 1924.

I HAVE the honour to refer to your despatch No. 86 of the 12th February,* drawing the attention of my Ministers to the scheme for Co-operation in Financial Assistance to Imperial Development put forward by the Imperial Economic Conference, and to state in reply that my Ministers have sympathetically considered the scheme with a view to its application to enterprises in the Saorstát, but that a survey does not at the moment reveal projected undertakings of a character suitable for the application of the scheme. Reply to your despatch has been unduly deferred in the possibility that undertakings coming within the ambit of the scheme might present themselves.

2. In the event of the position altering in the future, steps will be taken to avail of these proposals of the Imperial Conference.

I have, &c.,

T. M. HEALY.

Secretariat Note.—Copies of the Trade Facilities Act, 1924 (14 and 15 Geo. V., cap. 8), with copies of House of Commons Official Reports of the 15th and 16th April were sent to the Dominions and Southern Rhodesia by despatch Dominions No. 301 (Southern Rhodesia No. 231) of the 2nd July, 1924 (29112/24).

34189

No. 290.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNORS.

(Sent 1.5 p.m., 16th July, 1924.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

(Southern Rhodesia.)

16TH JULY. My despatch 5th March [Dominions 100] [82]† Co-operation in Financial Assistance to Imperial Development. His Majesty's Government have had under consideration procedure required in dealing with applications under Section 2 of Trade Facilities Act. They are appointing small Standing Committee, as contemplated in Report of Committee of Imperial Economic Conference (see page 172), whose duties will be to advise Treasury whether statutory conditions are fulfilled. These duties defined in Act as follows:—

(1) That proceeds of loan towards interest on which contribution is to be made are to be applied to capital expenditure on or in connexion with a public utility undertaking as defined in Act in some part of His Majesty's Dominions in accordance with a scheme approved by Government of that part.

(2) That expenditure involved is in anticipation of expenditure which would normally have been incurred at a later date.

(3) That application of proceeds of loan is calculated to promote employment in this country, and that contribution would be in respect only of orders placed in this country.

* No. 281.

† No. 284.

(4) That application is made within three years from date of Act, 15th May, 1924, and in respect of loan to be raised before 15th May, 1927, and that aggregate amount of grants does not exceed one million pounds a year, or five million pounds in all.

Committee would settle exact information required as regards applications, but it may be assumed that following particulars would be certainly needed:

(a) General particulars of nature of scheme; of total amount and terms of proposed loan; and how it has been or will be raised.

(b) Evidence that scheme is approved by Government concerned, and that it represents acceleration of normal work.

(c) Evidence that applicant is in position to finance local expenditure on scheme and to provide its working capital.

(d) Particulars of expenditure in this country in respect of which contribution is sought and of orders to be placed for such expenditure.

(e) Evidence that scheme can be completed for total sum proposed to be raised.

In accordance with Act, grant in all cases will be paid to Government concerned which will be asked to undertake responsibility where necessary of paying ultimate recipient and in any case of transmitting such receipts from recipient as will be required for audit purposes. Copy of Act sent in my despatch 2nd July [Dominions 301.] [231.]*

Wording of Section 2 same as in Bill enclosed in my despatch 5th March.†—
THOMAS.

34189

No. 291.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.10 p.m., 16th July, 1924.)

TELEGRAM.

My telegram 9th April.‡ My telegram of to-day§ sets out procedure proposed in regard to applications under Section 2 of Trade Facilities Act, 1924. Your Ministers will appreciate that, in view of passing of Act, special applications will be needed in respect of any of schemes referred to in your telegram of 20th March.¶
---THOMAS.

34189

No. 292.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 432.)

SIR,

Downing Street, 18th July, 1924.

WITH reference to Your Excellency's despatch No. 188 of the 16th May,† and to my despatch Dominions No. 301 of the 2nd of July,** I have the honour to transmit to you, to be laid before your Ministers, a copy of a telegram§ to the other self-governing Dominions on the subject of the scheme for Co-operation in Financial Assistance to Imperial Development embodied in Section 2 of the Trade Facilities Act, 1924.

I have, &c.,

J. H. THOMAS.

* Not printed; see note on page 182.

† No. 284.

‡ No. 288.

§ No. 290.

|| No. 287.

¶ No. 289.

** Not printed; see note on page 182.

39364

No. 293.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

[Answered by No. 295.]

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Irish Free State. (Newfoundland. (Southern Rhodesia. No. 330.)	}	Dominions No. 387.)
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[MY LORD,] [SIR,]

Downing Street, 18th August, 1924.

WITH reference to [To all except Irish Free State: my telegram of the 16th of July,*] [To Irish Free State: my despatch of the 18th of July, No. 432,†] on the subject of Co-operation in Financial Assistance to Imperial Development, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a Treasury Minute dated the 31st of July setting up a Committee to consider applications received under Section 2 of the Trade Facilities Act, 1924.

I have, &c.,
(for the Secretary of State),
HENRY LAMBERT.

[37482]

Enclosure in No. 293.

TREASURY MINUTE DATED 31ST JULY, 1924.

My Lords read Section 2 of the Trade Facilities Act, 1924, together with the resolution of the Imperial Economic Conference on which that section was based. They are pleased after consultation with the Departments concerned to appoint the following gentlemen to be an Advisory Committee on applications under the section and to make recommendations on such applications to the Treasury:—

Mr. W. K. Whigham.

Honourable Sidney Peel, representing the Board of Trade.

Mr. L. Couper, C.M.G., representing the Colonial Office.

When applications concerning India are under consideration Mr. C. H. Kisch, C.B., representing the India Office, will replace Mr. Couper.

The Secretary of the Advisory Committee will be Mr. W. J. Sainsbury.

My Lords desire the Committee to advise them in particular whether the various statutory conditions are fulfilled, i.e.,

(a) that the proceeds of any loan to the interest charge on which a contribution is made are to be applied to capital expenditure on or in connexion with a public utility undertaking (as defined in Section 2 (6) of the Act), in some part of His Majesty's Dominions in accordance with a scheme approved by the Government of that part of His Majesty's Dominions.

(b) that the expenditure involved in the scheme is in anticipation of expenditure which would normally have been incurred at a later date.

(c) that the loan is calculated to promote employment in the United Kingdom and that the United Kingdom contribution is only in respect of orders placed in this country.

(d) that the application for a grant is made within three years from the date of the Act (15th May, 1924); and that the aggregate amount of grants does not exceed £1,000,000 a year.

The Committee will further have to satisfy themselves that the schemes are reasonable, will be adequately financed by the applicants, that proper competitive prices are obtained for orders placed in the United Kingdom and generally on the proposals put forward by applicants.

* No. 290.

† No. 292.

42153

No. 294.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

[Answered by Nos. 296, 297, and 298.]

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Irish Free State. (Newfoundland. (Southern Rhodesia. No. 379.)	}	Dominions No. 445.)
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[MY LORD,] [SIR,]

Downing Street, 6th September, 1924.

WITH reference to my despatch [Dominions No. 387] [No. 330] of the 18th of August,* I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of a memorandum prepared by the Trade Facilities Act Advisory Committee for the guidance of applicants for grants under Section 2 of the Trade Facilities Act, 1924. Steps are being taken to bring this memorandum to the notice of the Press in this country, and it is hoped that your Ministers will take steps to make the contents of the memorandum known through the Press in [Canada,] [Australia,] [New Zealand,] [the Union of South Africa,] [the Irish Free State,] [Newfoundland,] [Southern Rhodesia,]

2. It will be noted that under paragraph V of the memorandum applicants are required to communicate duplicate copies of their applications to the Government concerned. The Committee desire to observe that, as stated in [Not to Irish Free State: my telegram of the 16th of July,†] [To Irish Free State: the telegram enclosed in my despatch No. 432 of the 18th July,‡] all such applications require the approval of the Government concerned, but in addition the Committee would welcome any comments which the Governments might feel able to make on the applications. In particular it would be of great assistance to the Committee, and would also avoid delay, if the Governments could satisfy themselves that the particulars supplied by applicants are full and complete and comply with the requirements set forth in the enclosed memorandum.

I have, &c.,
(for the Secretary of State),
HENRY LAMBERT.

Enclosure in No. 294.

3, Bank Buildings,
Princes Street, E.C.4.

MEMORANDUM FOR THE GUIDANCE OF APPLICANTS FOR GRANTS UNDER SECTION II
OF THE TRADE FACILITIES ACT, 1924.

I. In accordance with Section 2 of the Trade Facilities Act, 1924, arising out of the discussions at the Imperial Conference, the Treasury are authorized, subject to certain terms and conditions, to make a contribution of an amount not exceeding three-quarters of the interest payable in the first five years of the currency of a loan raised in the United Kingdom by or on behalf of any Public Utility undertaking in any part of His Majesty's Dominions. All payments under this section will be made to the Government of that part of His Majesty's Dominions. In no case will the Treasury contribution be paid direct to any Company or Municipality.

II. The Capital sum on which the contribution is based will be limited to the cost of the materials to be purchased and manufactured in the United Kingdom.

III. The Treasury have set up a Committee to advise them of the cases in which they can properly make contributions. The Committee consists of representatives of the Treasury, the Board of Trade, the Colonial Office, and the India Office.

* No. 293.

† No. 290.

‡ No. 292.

IV. The Committee think it useful to indicate broadly the information which will be required, at the outset:—

- (A) Details of the scheme with information as to the total cost and the part of the total cost in respect of which assistance is required, and information as to the economic justification or desirability of the project.
- (B) Evidence to show that the whole scheme can be financed, particulars of the orders to be placed in the United Kingdom and evidence that the prices to be paid for the same are fair and reasonable.
- (C) Evidence that the scheme is approved by the Government concerned and that the expenditure involved in the scheme is in anticipation of expenditure which would normally have been incurred at a later date.

V. In order that the Government concerned may be fully informed and their approval to the scheme obtained without unnecessary delay a duplicate copy of the application should be sent to the Government at the same time as application is made to the Committee.

VI. In the event of the Committee in their discretion requiring legal or technical advice in the consideration of any application the cost of obtaining such advice will have to be met by the applicant.

VII. In accordance with the Trade Facilities Act, 1924, the Committee wish to point out that this scheme is available only in respect of Public Utility undertakings which are defined as undertakings for providing and/or improving communications, drainage or irrigation or for providing power, lighting or water. The Committee also wish to point out that the Act requires that the Treasury contribution shall be confined to loans raised in the United Kingdom. Particulars of the total amount and terms of the proposed loan, showing how such is to be obtained, will be required by the Committee.

VIII. The attention of applicants is also drawn to the following over-riding conditions:—

- (1) The total sum payable by the Treasury must not exceed £1,000,000 in any one year.
- (2) The total sum payable by the Treasury must not exceed £5,000,000 in all.
- (3) No undertaking by the Treasury to give assistance can be given after three years from the commencement of the Trade Facilities Act, 1924, i.e., after 14th May, 1927, or in respect of a loan to be raised thereafter.

IX. All applications should be addressed to the Secretary of the Committee at the Trade Facilities Act Offices, 3, Bank Buildings, Princes Street, London, E.C.4. Telephone number, City 3151. Telegraphic address, Faciltrade Stock London. Cable address, Faciltrade, London.

43130

No. 295.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th September, 1924.)

(No. 361.)

SIR, Vice Regal Lodge, Dublin, 9th September, 1924.
I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 387 of the 18th ultimo,* transmitting a copy of a Treasury Minute setting up a Committee to consider applications received under Section 2 of the Trade Facilities Act, 1924. I am communicating the contents of the Minute to my Ministers.

I have, &c.,
T. M. HEALY.

* No. 293.

54997

No. 296.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 24th November, 1924.)

(No. 588.)

SIR, Governor-General's Office, Pretoria, 3rd November, 1924.
I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions No. 445 of the 6th September, 1924,* copy of Minute from Ministers regarding grants under Section 2 of the Trade Facilities Act, 1924, of the Imperial Parliament.

I have, &c.,

ATHLONE,
Governor-General.

Enclosure in No. 296.

(P.M. 50/2.)

Prime Minister's Office, Pretoria, 30th October, 1924.

MINUTE No. 883.

MINISTERS have the honour to acknowledge the receipt of His Excellency the Governor-General's Minute No. 70/124 of the 2nd October, 1924, forwarding a copy of Dominions despatch No. 445 of the 6th September, 1924, from the Secretary of State for the Colonies, together with copies of a memorandum prepared by the Trade Facilities Act Advisory Committee for the guidance of applicants.

Ministers consider that, as explained by Mr. Burton at the Economic Conference last year, the present financial position of the Union is such that it will not be necessary for it to take advantage of the provisions of the Trade Facilities Act of 1924.

T. J. Roos.

56361

No. 297.

SOUTHERN RHODESIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1st December, 1924.)

(No. 340.)

SIR, Governor's Office, Salisbury (Rhodesia), 7th November, 1924.

I HAVE the honour to refer to your despatch No. 379 of the 6th September* transmitting copies of a memorandum prepared by the Trade Facilities Act Advisory Committee for the guidance of applicants for grants under Section 2 of the Trade Facilities Act, 1924.

I am informed by my Ministers that the memorandum will be published in an early issue of the Government Gazette of this Colony and in the Salisbury and Bulawayo newspapers. Special attention will be drawn to the provisions of Paragraph V of the memorandum.

I have, &c.,

J. R. CHANCELLOR,
Governor.

60217

No. 298.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th December, 1924.)

(No. 253.)

SIR, Government House, Wellington, 12th November, 1924.

WITH reference to your predecessor's despatch Dominions No. 445 of the 6th September,* forwarding copies of a memorandum prepared by the Trade

* No. 294.

Facilities Act Advisory Committee for the guidance of applicants under Section 2 of the Trade Facilities Act, 1924, I have the honour to inform you that my Ministers advise me that they will be pleased to comply with the wishes of the Committee and to render whatever assistance may be necessary.

I have, &c.,
JELLICOE,
Governor-General.

3. IMPERIAL PREFERENCE.

(i.) Tariff Preference.

It was decided to adopt the following Resolution:—

This Imperial Economic Conference, holding that, especially in present circumstances, all possible means should be taken to develop the resources of the Empire and trade between the Empire countries; desires to reaffirm the Resolution on the subject of Imperial Preference passed by the Imperial War Conference of 1917.

Further as regards Imperial Preference under the United Kingdom Customs Tariff to Empire goods, His Majesty's Government intimated that they intended to submit to Parliament the following proposals:—

(See also pages 47-50.)

54944

No. 299.

HOUSE OF COMMONS.

(15th November, 1923.)

MR. PRINGLE asked the Prime Minister whether, in return for the extended preference offered to the Dominions, the Governments of the Dominions have indicated their intention to reduce further the duties at present levied upon British goods; and, if so, whether he can state the number and nature of the proposed reductions?

THE PRIME MINISTER: The answer to the first part of the question is in the negative; the second part accordingly does not arise. The extensive preferences already accorded to this country by the Dominions were not accorded as part of any tariff bargain, and His Majesty's Government, in making their recent offers of extended preference which will apply to the whole Empire, have acted in this spirit.

12462

No. 300.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.38 p.m., 14th March, 1924.)

TELEGRAM.

(Paraphrase.)

PRIVATE and Personal. 14th March. Secret. Revised Union tariff has been confidentially communicated to my Office. Preference accorded Great Britain has been increased from three to five per cent. with a few exceptions in non-competitive lines and in special instances rebate(s) reach(es) ten per cent. or more according to the amount of help needed to enable Great Britain to compete successfully with American or Continental goods. I understand that the Board of Trade has been sounded as to directions in which preference was most necessary, and am informed that the Board's suggestions are embodied in the new schedule. Consequent losses in revenue have been compensated to some extent by the removal

of the original three per cent. preference needlessly granted on goods protected by British patents or for which the British manufacturers hold the monopoly in South Africa, though it is still maintained in the case of certain cotton piece goods. His Majesty's Trade Commissioner and President of the Chamber of Commerce, Cape Town, satisfied that the revised tariff will confer invaluable benefit on British industries which are suffering from American or Continental competition. In particular the preference on motor cars averages about eight instead of present three per cent. For political reasons it has been found impossible to alter duties on agricultural implements. The revised tariff will come before Parliament when Budget introduced in fortnight's time, and it would greatly facilitate its passage through the House if preference proposals of last Imperial Conference are ratified before the end of this month. Their early submission to Commons would provide my Government with *quid pro quo* to persuade the Opposition that amended tariff is part of the general policy of reciprocal preferences within the Empire.—
ATHLONE.

14675

No. 301.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 7 p.m., 25th March, 1924.)

TELEGRAM.

[Answered by Nos. 303, 304, and 305.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

(Paraphrase.)

FOLLOWING from Prime Minister to your Prime Minister:—

Begins: Position in regard to proposals placed before the Imperial Economic Conference in relation to Tariff Preference in this country has been considered in Cabinet. While final decision can only be taken in connexion with the forthcoming Budget, Cabinet have in the meantime asked me to explain confidentially to you and the other Prime Ministers that our present attitude towards the proposals will be determined by the following considerations:—

(1) It is impossible for us, in view of the many declarations which have been made on the subject on behalf of the Labour Party, to propose any new or increased taxation of food.

(2) We will continue, as regards existing taxes on food, to observe principle of Imperial Preference on present statutory basis so long as those taxes remain. This policy is without prejudice to retention of absolute freedom to propose to Parliament if and when we deem it expedient from the point of view of general and financial policy the removal of taxes on food.

(3) With reference to proposal that preference on sugar should be stabilized for ten years at its present amount of about half-penny per lb., we cannot admit right of any government to bind future governments and Parliament. But we should be willing to adhere to the preference on present statutory basis as under (2) above so long as a duty is retained on sugar.

Position on other resolutions of Economic Conference which, with exception of that relating to establishment of Economic Committee, are endorsed by us, is being summarized in a despatch which Secretary of State will send shortly. Ramsay MacDonald. *Ends.*

—THOMAS.

* See [Cmd. 1990] (pp. 4-6), [Cmd. 2009] (pp. 241-3), and [Cmd. 2084] (pp. 4-6).

14675

No. 302.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

Sir,

Downing Street, 27th March, 1924.

I HAVE the honour to transmit to Your Excellency, for communication to the President of the Executive Council of the Irish Free State, a copy of a telegram* to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa, and the Governor of Newfoundland, conveying a message from the Prime Minister on the subject of the proposals placed before the Imperial Economic Conference relating to Tariff Preference in this country.

I have, &c.,

J. H. THOMAS.

14840

No. 303.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.30 a.m., 27th March, 1924.)

TELEGRAM.

[Answered by No. 307.]

(Paraphrase.)

27TH MARCH. Your telegram of 24th (?25th) March, Secret.* Following for Prime Minister from my Prime Minister:—

Begins: I take very grave view of your message but I wish to have doubtful points cleared up before I reply to it.

Your proposals as regards preferences and your reference to the present statutory basis in paragraph 2 are not clear to me. I note that you do not favour new or increased taxation of food, but where there is an existing tax on food an increased preference does not involve new or increased taxation but rather a remission of taxation. Am I to take it that preferences recommended at recent Conference even where they involve no new or increased taxation on food are proposed to be scrapped and that you will not go beyond preferences granted in 1917 and 1918. Does food include various forms of dried fruits? Is it proposed that wine and tobacco resolutions of the Conference should be accepted? *Ends.*

—GOVERNOR-GENERAL.

15184

No. 304.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.40 p.m., 28th March, 1924.)

TELEGRAM.

28TH MARCH. Following for Prime Minister from my Prime Minister:—

Begins: Your telegram 24th [?25th] March.* In view of definite undertaking given by you to submit all recommendations of the Imperial Economic Conference to non-party unfettered vote of the House, my Government trust that you will reconsider course of action which your telegram appears to contemplate. The resolutions of the Imperial Economic Conference are of course binding on no Government, but we wish to emphasize most strongly that they are and should be regarded as the opinions of representatives of the whole of the Empire and as such entitled to fullest and most sympathetic

* No. 301.

consideration. Your declaration that you would submit them to a free vote of the House was quite satisfactory to us but to declare your attitude in the manner you suggest formally to oppose them as a Government and so apparently make the fate of the resolutions of this Empire Conference dependent on a party vote is in our opinion dangerous to a degree and quite outside the spirit and letter of your undertaking.

My Government clearly recognize your right to alter tax(es) at any time whether from the standpoint of general or financial policy; and we recognize too the difficulties with which you are confronted because of your party's attitude during the recent election with regard to the imposition of any new or increased taxation on food. As, however, you state that your Government, subject to these reservations, subscribes to principle of Imperial Preference, and as many of the recommendations of the Economic Conference can be adopted without violating any of the conditions which govern your declaration, we cannot understand your decision to abandon the proposals altogether, leaving whatever preference we have on its present inadequate statutory basis.

If such action were taken under a free vote of the House the effect on the Dominions would still be very serious; but if taken as result of a British Government's declared policy it would, we fear, be disastrous. The Dominions, as is clear from the report of the Economic Conference, regard this question as most vital and my Government will, if proposals are now abandoned, be placed in a most embarrassing position in endeavouring to maintain existing preferences on British goods.

With a full knowledge and appreciation of your difficulties which are in no way increased by our requests we most earnestly suggest that in these cases where a duty is already imposed with a preference to goods of Empire origin that such Empire goods should be admitted free and thus increase preference as recommended by the Conference. This is in strict conformity with the principle you have enunciated, it will not under any circumstances increase the taxes on food, and it might conceivably result in a substantial reduction in the price of food to the British consumer.

We urge you to reconsider this question most carefully before you take such a grave step as that foreshadowed in your telegrams. *Ends.*

—GOVERNOR-GENERAL.

15916

No. 305.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1.6 p.m., 2nd April, 1924.)

TELEGRAM.

(Paraphrase.)

2ND APRIL. Following for Prime Minister from my Prime Minister:—

Begins: From your telegram of 25th March,* in connexion with the tariff preference recommendations of the Economic Conference I presume that you intend to submit them to the House of Commons without any Government support as non-party questions. I admit His Majesty's Government's perfect right to deal with these recommendations as it may think fit, but there seems little doubt that British countries overseas will be very disappointed by such a course of action as you suggest and will not view it as in best interests of the Empire as a whole. The Dominions have never failed, and I firmly believe that they never will fail, in their duty to the Empire, but I cannot help thinking and saying that the treatment now proposed is not what they anticipated. New Zealand gives preference in her customs tariff to 425 articles imported from Great Britain but Britain at present gives preference to nothing imported from New Zealand. This state of affairs is looked upon here as inconsistent with true Empire spirit and as not likely to encourage British citizens at home and in the Dominions in their efforts

* No. 301.

towards the achievement of a self-supporting Empire. The Conference recommendations are only a small instalment of what many who vividly recollect the position at the outbreak of the Great War would like to see. It was then forcibly brought home to us that we had been depending to far too great an extent upon enemy countries for many commodities essential to our everyday life which could have been produced within the Empire. To us in New Zealand it seems inimical to the interests of the Empire that British money should be sent in large sums to foreign countries to purchase commodities that can be produced in abundance on the un-occupied lands of our Empire by British citizens. If Britain's prosperity is to be restored we believe the overseas countries of the Empire must buy more from the United Kingdom and vice versa. I am convinced that a policy of purchasing a large portion of our requirements from foreign countries will not populate our un-occupied territories or maintain the Empire's industrial supremacy. It has been said frequently and in my opinion correctly that we should think more of the welfare of British citizens and less of that of citizens of other countries. You and I may not see all political questions from the same point of view but I trust and believe we are at one in our desire to work for the good of the Empire and its citizens, and while I recognize the right of the British Parliament to manage its business in its own way I have thought it my duty to place you in possession of the views of the great majority of the people of New Zealand, which are also, I believe, shared in other parts of the Empire by millions of citizens. *Ends.*

—GOVERNOR-GENERAL.

18364

No. 306.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 2.0 p.m., 25th April, 1924.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

25TH APRIL. Secret. My telegram 25th March.* Following from Prime Minister for your Prime Minister:—

Begins: Following is procedure which we propose to adopt in regard to Tariff Preference proposals placed before Imperial Economic Conference.

(1) Our attitude towards proposals will be indicated by Chancellor of Exchequer in the course of his Budget statement 29th April. This will give opportunity for general discussion on Committee Stage of the Budget Resolutions.

(2) Before Committee Stage of Finance Bill is reached a separate day would be allotted for debate on which declaratory Resolution embodying proposals of late Government could be moved. Decision on this Resolution would be left to the free vote of the House of Commons, and subsequent steps could be taken to incorporate in the Finance Bill any resolution endorsed by the House. Above procedure is, I think, most convenient manner of carrying out undertaking given by late Government and by myself as to submission of proposals to Parliament. That part of shipping taxation resolution relating to extension of section 18 of Finance Act, 1923, and the resolution relating to immunity of State enterprises, will be dealt with by Chancellor of Exchequer in Budget statement 29th April. Statement† of our position as to other recommendations of Imperial Economic Conference has now been laid before Parliament and copies have been sent to you, see last paragraph of my message of 25th March. Ramsay MacDonald. *Ends.*

—THOMAS.

* No. 301. † [Cmd. 2115.]

18364

No. 307.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 6.20 p.m., 25th April, 1924.)

TELEGRAM.

25TH APRIL. Secret. Your telegram of 27th March,* Preference. Please see Prime Minister's message of April 25th.† Cabinet does not meet again till 29th April, i.e., morning of Budget statement, and I find that Prime Minister feels that he cannot answer your Prime Minister's message further until then except to say that dried fruits were included under term "food" in his message of 25th March. —THOMAS.

18364

No. 308.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret (2).)

SIR,

Downing Street, 25th April, 1924.

WITH reference to my Secret despatch of the 27th March,§ I have the honour to transmit to Your Excellency, for communication to the President of the Executive Council of the Irish Free State, a copy of a telegram† to the Governors-General of Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa, and the Governor of Newfoundland conveying a further message from the Prime Minister on the subject of the proposals laid before the Imperial Economic Conference and particularly those relating to Tariff Preference in this country.

I have, &c.,

J. H. THOMAS.

Secretariat Note.—The following communications were also sent to the Dominions and Southern Rhodesia on the subject of Imperial Preference:—

- (i) Despatch Dominions No. 157 (Southern Rhodesia No. 116) of the 4th April forwarding copies of a Parliamentary paper (Cmd. 2084) containing resolutions relating to Imperial Preference passed at the Imperial War Conference, 1917, and the Imperial Economic Conference, 1923; together with detailed statements of the proposals laid before the latter Conference and the Preference in force from 1919 to 1924. (15507/24.)
- (ii) Telegram to Dominions of 29th April giving text of statement to be made by the Chancellor of the Exchequer, in his Budget statement, relating to Tariff Preference. (20090/24.)
- (iii) Despatch Dominions No. 198 (Southern Rhodesia No. 150) of the 1st May containing House of Commons Official Reports of the 28th and 29th April. (20804/24.)
- (iv) Despatches Dominions Nos. 205 and 225 (Southern Rhodesia Nos. 156 and 168) of the 8th and 15th May, containing House of Commons Official Reports of the 1st, 6th, 12th and 13th May. (20804/24.)
- (v) Despatch Dominions No. 273 (Southern Rhodesia No. 213) of the 19th June, containing House of Commons Official Reports of the 17th and 18th June. (29331/24.)
- (vi) Despatch Dominions No. 316 (Southern Rhodesia No. 249) of the 14th July, containing House of Lords Official Report of the 26th June. (29442/24.)
- (vii) Despatch Dominions No. 406 (Southern Rhodesia No. 348) of the 23rd August, containing copies of the Finance Act, 1924 (14 and 15 Geo. V, chap. 21). (40559/24.)

* No. 303. † No. 306. ‡ No. 301. § No. 302.

46234

No. 309.

SOUTHERN RHODESIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 29th September, 1924.)

(No. 287.)

SIR, Governor's Office, Salisbury (Rhodesia), 4th September, 1924.
I HAVE the honour to refer to your despatch No. 249 of the 14th July* transmitting copies of the House of Lords Official Report of the 26th June containing a debate on the subject of Imperial Preference.

2. I forwarded a copy of your despatch and enclosures to my Ministers for their information, and they desire to state that in their opinion the proposed duties would have been of great benefit to this Colony.

I have, &c.,

J. R. CHANCELLOR,
Governor

58464

No. 310.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 4.45 p.m., 13th December, 1924.)

TELEGRAM

[Answered by No. 312.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

13TH DECEMBER. Secret. Following from Prime Minister for your Prime Minister:—

Begins: We have been examining carefully situation with regard to preference resolutions of Imperial Economic Conference and I propose to make a statement with regard to these in House of Commons on Wednesday. The greater part of these, involving a further preferential reduction of existing duties, presents no difficulty and I will make it clear that they are to be incorporated in next Budget as agreed upon at the Conference. The same applies to ten years undertaking to maintain sugar preference at specific rate of approximately halfpenny a pound as long as duty itself not below that rate. This in view of great reduction of sugar duty in last Budget represents doubling of percentage rate of preference. Real difficulty, however, has been created with regard to proposed additional duties by widespread assumption by candidates and electorate that my pledges against food taxation definitely excluded any new duties whatsoever on food. In order to avoid any charge of breach of faith in this respect and at the same time fulfil undertakings given at the Economic Conference we propose to devote the full money equivalent of the advantage which would have been conferred on Empire imports by the proposed additional duties to alternative schemes for improving the marketing of Empire imports of foodstuffs, and we propose to invite recommendations with regard to such schemes from the Imperial Economic Committee within the scope of whose reference they would naturally fall. Basis of calculation of advantage to Dominions under duties originally agreed will be equivalent of cost to Treasury of substituting for duty on foreign imports equivalent bounty on Empire imports. You will realize that sum thus made available for promotion of Empire imports will be substantial, not less than one million pounds a year. We believe that in this way Empire producers will get fully as effective help as would have been given by the duties themselves and that the help will be extended over a wider range of products. At the same time we think there

* 29442: not printed; see note (vi) on page 193.

will be a considerable advantage in presenting the Economic Committee with something definite to work upon from the outset, and would add the hope that in view of the practical task now before it Committee may be constituted as soon as possible. Baldwin. Ends.

—AMERY.

58464

No. 311.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

Downing Street, 15th December, 1924.

SIR, WITH reference to my predecessor's despatch Dominions No. 406 of the 23rd August* and previous correspondence on the subject of Imperial Preference, I have the honour at the instance of the Prime Minister to transmit to Your Excellency for the information of the President of the Executive Council a copy of a telegram† to the Governors-General of Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa, and the Governor of Newfoundland, conveying a message as to the attitude which His Majesty's Government propose to adopt with regard to the proposals relating to Tariff Preference laid before the Imperial Economic Conference, 1923 (pages 241 to 243 of Cmd. 2009).

2. The President of the Executive Council will appreciate that, as the Prime Minister's announcement is not to be made until Wednesday, 17th December, it is most important that the terms of the message should be kept secret in the meantime.

I have, &c.,

L. S. AMERY.

59056

No. 312.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.20 a.m., 17th December, 1924.)

TELEGRAM.

16TH DECEMBER. Secret. My Ministers considered proposals as to Preference outlined in your telegram of 13th December.† They note that it is intended to carry out that part of the 1923 offer which involves the reduction of existing duties but to drop that part which involves new duties.

The Canadian Government recognize fully that the British Government, like other Governments of the Empire, is and must be free to decide on whatever fiscal policy it considers in the interests of its own people. At the same time, they note with regret that, of the offers of preference made by the British Government at the Economic Conference last year, those which it now finds itself unable to recommend to Parliament include the products of special interest to Canada.—BYNG.

60000

No. 313.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Irish Free State.)

(Newfoundland.)

(Southern Rhodesia. No. 530.)

Dominions No. 589.)

[MY LORD,] [SIR,]

Downing Street, 23rd December, 1924.

WITH reference to my predecessor's despatch [Dominions No. 406] [No. 348] of the 23rd August* and previous correspondence, I have the honour to transmit

* 40559: not printed; see note (vii) on page 193. † No. 310.

to [Your Excellency,] [you,] for the information of your Ministers, copies of the House of Commons Official Report* of the 17th December containing a Debate on the question of Imperial Preference, which includes a statement of policy, made by the Prime Minister on behalf of His Majesty's Government.

I have, &c.,
L. S. AMERY.

Enclosure in No. 313.

(Extract.)

TARIFFS AND PREFERENCE.

THE PRIME MINISTER (MR. BALDWIN): . . . I come now to consider the Resolutions which were passed by the last Economic Conference and which were defeated in the last House of Commons by a very small vote. It is our intention to bring before the House all those Resolutions which involved reductions of duty, and on them no question of any kind, so far as I am aware, can arise. It is quite true they were defeated by a small majority in the last House of Commons. It is equally certain that they will be carried by a large majority in this House of Commons, and it may be that some of those who voted against them in the summer may be found to be supporters of them in the forthcoming year. I think it is most likely, although of course we have not had time yet to go into all these matters, that they will be included, subject to such modifications as may have resulted from a lowering of the dried fruit duties and any other changes which may have been made, which I have not in my mind, in my right honourable Friend's forthcoming Budget.

I come now to the more contentious question of the taxes on what are called foods. The House will have in recollection the pledges on the taxation of food which I gave during the Election, notably at Gravesend. I have no desire to explain or to qualify in any way what I said then, and I am quite aware that the remarks I made in that speech were taken by many candidates and many electors literally and apart from the context of the speech. The context of the speech might have modified them, but I recognize what the plain man understood by what I said, and so I am going to adopt the plain man's interpretation and I am going to stand literally by my words. What was said in the speeches to which I have listened this afternoon is quite true, that you can never get a complete system of Preference as it has been understood in this country until such a time as the country consents to have taxes on food, by which I mean taxes on the food of normal, general and elsewhere, is not to-day practical politics in this country, and the question is what we can do to bring about what I fancy we all desire, and that is increasing trade with our Dominions and making arrangements by which we may import Dominion produce into this country rather than the produce of foreign countries. I do not think there are half-a-dozen Members of the House who would take exception to that or would not be glad to see it, not only on sentimental but on strictly business grounds, because we all recognize that, whatever may happen in exchange or imports from other countries in the world, the tendency of the exchange is to get imports from the Dominions and for the Dominions to buy more and more from us, and, apart from that, anything that can ease the situation for this country by diverting the exchange from New York cannot fail to help us in our general trade and in the payment of our debts. So, broadly speaking, what I shall propose—I regret I am only able to give the barest outline to-day—the honourable and gallant Gentlemen the Member for Leith (Captain W. Benn) will admit it is rather early in the Session to be able to deal in detail with such a very complicated matter—what I am proposing to do, broadly speaking, is that the full money equivalent of the advantages which would have been conferred on the Empire in respect of all of those duties which are not retained should be devoted to the scheme for developing the trade of the Empire, and in the first case developing schemes of marketing.

I come back now to the terms of reference, which I gave earlier, to the Imperial Economic Committee. The money that we estimate it may be possible to allocate for this purpose is a round £1,000,000 a year, and we think that with an economic Committee of the kind we have in view, with expert members from this country and from the Dominions, and with terms of reference such as I have given to the

* Extract only printed.

House, it may be possible to open up entirely new and untried ways of developing trade with the Empire, trade which will bring in Empire stuff in lieu of foreign stuff and it may be, and I hope it will be, of far greater benefit to the Dominions themselves than those two or three small taxes which we proposed a year ago at the Empire Conference. . . .

(ii) Imperial Preference in Public Contracts.

It was decided to adopt the following Resolution:—

- (1) "That this Imperial Economic Conference re-affirms the principle that in all Government contracts effective Preference be given to goods made and materials produced within the Empire except where undertakings entered into prior to this Conference preclude such a course or special circumstances render it undesirable or unnecessary."
- (2) "That so far as practicable, efforts be made to ensure that the materials used in carrying out contracts be of Empire production."
- (3) "That State, provincial and local government authorities should be encouraged to take note of the foregoing resolutions."

Note.—No correspondence took place with the Dominion Governments on the subject of this resolution before the end of 1924. Certain correspondence regarding the British Empire Producers' Organization is printed below.

55973

No. 314.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 20th November, 1923.)

[Answered by No. 317.]

(No. 541.)

Governor-General's Office, Pretoria,

31st October, 1923.

MY LORD DUKE,

I HAVE the honour to transmit to Your Grace herewith copy of Minute from Ministers on the subject of an arrangement by means of which British spending Departments inform the South African Federated Chamber of Industries of all tenders called for in South Africa or the East.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 314.

Prime Minister's Office, Pretoria, 30th October, 1923.

MINUTE No. 773.

MINISTERS have the honour to inform His Royal Highness the Governor-General that they have been approached by the South African Federated Chamber of Industries with the request that they should ask the Imperial Government to instruct all spending Departments to communicate to the British Empire Producers' Organization such details as may assist tenderers in respect of any industries or commodities represented by the Federated Chamber of Industries, and to answer inquiries and consider representations made by the organization on behalf of Dominion and Colonial tenderers for such contracts.

Ministers are informed that a deputation has waited upon the President of the Board of Trade and that the proposal that British Government Departments and public bodies should place contracts with firms employing Empire labour and using materials of Empire origin, has been favourably received.

Ministers will welcome an arrangement by means of which British spending Departments inform the South African Federated Chamber of Industries of all

tenders called for in South Africa or the East. This could be done either directly or through any organization nominated by the Federated Chamber of Industries. As the Federated Chamber desires to act in this matter through the British Empire Producers' Organization, the information could be sent by the British authorities through that organization.

Among the articles produced by South African industries which it appears to Ministers not unlikely that British spending Departments may require from time to time are the following:—

Building materials, including cement, bricks and tiles, asbesto cement, pottery and joinery; furniture and plywood; leather and leather goods, including saddlery, bags and trunks; tinware; foodstuffs, including maize, lucerne and fodder, maize-products, meat, canned fish, bacon, eggs, dried fruit, jam, lemons, macaroni, patent foods, table jellies, confectionery, salt, sugar, milk, mineral waters, wine and spirits, vinegar, tea, chicory, tobacco, cheroots and cigarettes; clothing, including ready-made clothing, blankets, shirts, boots and shoes and rubber heels and soles; candles and soap; rubber goods; chemicals; matting, twine, ropes and hawsers; corks; carts and wagons; motor spirit; explosives and fertilizers, and printing, including tin-printing.

Ministers would approve of a plan for reciprocating with other portions of the British Commonwealth if so desired, and would arrange for communicating the requirements of South African spending Departments to the representatives of producers in other parts of the Commonwealth.

Ministers submit this Minute to His Royal Highness the Governor-General with the request that he will forward it to the British Government for consideration and reply.

F. S. MALAN.

62037

No. 315.

NEW ZEALAND.

OFFICE OF THE HIGH COMMISSIONER to COLONIAL OFFICE.

(Received 24th December, 1923.)

[Answered by No. 319.]

New Zealand Government Offices, 415, Strand,

London, W.C.2, 21st December, 1923.

SIR,

I AM directed by the High Commissioner to inform you that his Government has been approached by the British Empire Producers' Organization, 3, Old Queen Street, S.W.1, with a proposal that the Organization should be placed in a position to assist Dominion tenderers for Government contracts for meat and other products. Certain firms which may have been in a position to tender successfully for the supply of Government stores have in the past been debarred through not having a representative on the spot to obtain the full information desired regarding the contracts offered. The British Empire Producers' Organization is willing to assist tenderers in every way possible. The Board in New Zealand appointed under the authority of the Meat Export Control Act, 1922, lends its support to the proposal, and the New Zealand Government therefore desires that the various purchasing departments of the Imperial Government should communicate to the Organization such details as may assist tenderers, and answer inquiries and consider representations made by the Organization on behalf of Dominion tenderers. The High Commissioner will, therefore, be glad if you will kindly approach the War Office, Admiralty, and other Departments concerned with the request that the desires of the British Empire Producers' Organization and the New Zealand Meat Export Control Board be given favourable consideration.

I am, &c.,

ALEXANDER CRABB,

Secretary to the Department.

2002

No. 316.

VICTORIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 14th January, 1924.)

[Answered by No. 318.]

(No. 32.)

State Government House, Melbourne.

MY LORD DUKE,

23rd November, 1923.

At the instance of the Premier (Mr. Lawson), I have the honour to transmit to your Grace a copy of a letter received from the Associated Chambers of Manufactures of Australia with reference to the encouragement of the use of Empire materials and labour by British Empire firms in connexion with Government and Public Body contracts.

2. My Ministers desire me to submit for your favourable consideration the suggestion that instructions be given to all spending departments to communicate to the British Empire Producers' Organization such details as may assist tenderers in quoting for Government contracts in respect of any Australian industries or commodities, and to answer inquiries and consider representations made on behalf of Australian tenderers for such contracts by the British Empire Producers' Organization.

I have, &c.,

STRADBROKE.

Enclosure in No. 316.

Associated Chambers of Manufactures of Australia,
312, Flinders Street, Melbourne, 8th November, 1923.

The Honourable the Premier of Victoria,
State Parliament House,
Melbourne.

DEAR SIR,

THE British Empire Producers' Organization has communicated that the Board of Trade, London, was requested to confine to British Empire firms using Empire materials and labour in connexion with Government and Public Body contracts, and that they desire to see the interests of producers overseas are protected to the fullest extent in regard to the considerable concessions obtained as a result of the representations.

I have now received a cable that the Imperial Government has adopted their proposals entirely, and I have therefore been directed to ask your Government to request the Imperial Government to instruct all spending departments to communicate to the British Empire Producers' Organization such details as may assist tenderers in quoting for Government contracts in respect of any Australian industries or commodities, and to answer inquiries and consider representations made on behalf of Australian tenderers for such contracts by the British Empire Producers' Organization. I understand the Imperial Government will welcome such a suggestion, but it must obviously come as the official request of an Oversea Government.

May I ask your favourable consideration to this matter in the hope that you will take such action as is deemed necessary or advisable in regard thereto.

Yours faithfully,

F. L. W. ASHBY,

Secretary.

6597

No. 317.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 148.)

MY LORD,

Downing Street, 19th May, 1924.

I HAVE the honour to acknowledge the receipt of His Royal Highness Prince Arthur of Connaught's despatch No. 541 of the 31st of October, 1923,* asking whether arrangements can be made by which information as to contracts to be placed on behalf of the various Departments of His Majesty's Government can be communicated to the South African Federated Chamber of Industries through the medium of the British Empire Producers' Organization.

2. With reference to paragraph 2 of Ministers' Minute No. 773 of the 30th of October,† I should be glad if Your Excellency would inform your Ministers that His Majesty's Government have given careful consideration to the suggestion that particulars of tenders called for by the Departments of His Majesty's Government should be communicated to the British Empire Producers' Organization for the information of producers in the Union, but they think that it would be more convenient that the official representatives of the Union Government in London or His Majesty's Trade Commissioners in the Union should be used as the channel of communication for this purpose. For example, it is suggested that, if your Government wish to be informed of Admiralty or War Office requirements, the High Commissioner should communicate direct with the Director of Navy Contracts or the Director of Army Contracts, who will give any such application the most careful consideration.

3. As regards tenders called for in South Africa or the East the position is as follows:—

(I) *Tenders called for in South Africa.*—The War Office and Air Ministry have no requirements in the Union of South Africa, and have therefore no occasion to issue tenders there. The Lords Commissioners of the Admiralty, however, through the Commander-in-Chief, Africa Station, make considerable local purchases of foodstuffs, and tobacco. Every opportunity is given to local firms to tender for these supplies, but, in order that the greatest publicity may be given locally to Navy requirements the Lords Commissioners of the Admiralty have instructed the Commander-in-Chief on the Station that any information may be obtained from His Majesty's Trade Commissioners in South Africa, and that he should notify the South African Federated Chamber of Industries whenever tenders are issued.

(II) *Tenders called for at Eastern Stations.*—Such tenders would normally be for relatively small quantities of local products, and so far as the Admiralty and the Air Ministry are concerned there is very little likelihood that South African firms would be in a position to meet requirements.

Requirements for military stations obtained by the issue of tenders in the East consist mainly of locally-produced foodstuffs, but the Army Council is taking steps to inform General Officers Commanding of the request of the Union Government in case it may be practicable to issue inquiries for South African products. The contracts, however, provide for deliveries from day to day as required so that having regard to considerations of distance and cost of transport it is unlikely that South African firms would be in a position to compete with local producers. Similar action is being taken by the Air Ministry, although the same difficulties of distance obtain in respect of their contracts.

4. His Majesty's Government welcome the offer made in paragraph 5 of Ministers' Minute and would be glad if any information as to the requirements of Union spending Departments could be communicated to His Majesty's Trade Commissioners in the Union. His Majesty's Government notice that Ministers would approve of a plan for reciprocating with other portions of the British Commonwealth if so desired. It is not clear to them whether Ministers contemplate the inclusion of the Colonies not possessing responsible Government and the Protectorates, in the scope of the suggestion made in this paragraph; and they are inclined

* No. 314.

† Enclosure in No. 314.

to doubt whether the possible accretion of trade would be large enough to justify the establishment of the necessary machinery, but they would be glad to take the question up if Ministers would indicate any concrete proposals relating to a particular Colony or Protectorate Government, or group of Governments, which they may have in mind.

I have, &c.,

J. H. THOMAS.

6597

No. 318.

VICTORIA.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 28.)

MY LORD,

Downing Street, 19th May, 1924.

WITH reference to your despatch No. 32 of the 23rd of November, 1923,* relative to the suggestion that information as to tenders for Departments of His Majesty's Government should be communicated to the British Empire Producers' Organization, I have the honour to request you to inform your Ministers that His Majesty's Government have given careful consideration to the suggestion that particulars of such tenders called for by the various Departments should be communicated to the British Empire Producers' Organization for the information of producers in the Dominions, but they think that it would be more convenient that the official representative in London of the Government of Victoria or His Majesty's Trade Commissioners in Australia should be used as the channel of communication for this purpose. For example, it is suggested that if your Government wish to be informed of Admiralty or War Office requirements, the Agent-General should communicate direct with the Director of Navy Contracts or the Director of Army Contracts, who would give any such application the most careful consideration.

I have, &c.,

J. H. THOMAS.

15944

No. 319.

NEW ZEALAND.

COLONIAL OFFICE to OFFICE OF THE HIGH COMMISSIONER.

SIR,

Downing Street, 21st May, 1924.

WITH reference to your letter of the 21st of December,† I am directed by Mr. Secretary Thomas to request you to inform the High Commissioner that His Majesty's Government have given careful consideration to the suggestion that particulars of tenders called for by the various Departments should be communicated to the British Empire Producers' Organization for the information of producers in New Zealand, but they think that it would be more convenient that the official representative of New Zealand in London, or His Majesty's Trade Commissioners in New Zealand should be used as the channel of communication for this purpose. For example, it is suggested that if the Government of New Zealand wish to be informed of Admiralty or War Office requirements, the High Commissioner should communicate direct with the Director of Navy Contracts or the Director of Army Contracts, who would give any such application the most careful consideration.

2. I am, at the same time, to acknowledge the receipt of your letter of 30th April‡ on this subject, and to express Mr. Thomas's regret that an earlier answer to the High Commissioner's inquiry has not been found possible.

I am, &c.,

C. T. DAVIS.

* No. 316.

† No. 315.

‡ Not printed: reminder.

4. Further steps for the Improvement of Mutual Trade.

(A) Imperial Co-operation in respect of Commercial Intelligence.

It was decided to adopt the following Resolutions:—

(i) Commercial Diplomatic and Consular Services.

"This Imperial Economic Conference takes note of the offer of His Majesty's Government to place the services of His Majesty's Commercial Diplomatic Officers in Foreign countries at the disposal of the Governments of the Dominions and India and of the Colonies and Protectorates in the same way and to the same extent as the services of His Majesty's Trade Commissioners within the Empire are already at their disposal. It notes that His Majesty's Government propose that as regards countries outside of Europe the Governments should utilize direct the services of Commercial Diplomatic Officers or of senior Consular Officers where no Commercial Diplomatic Officers have been appointed, but that communications which it is proposed to address to Commercial Diplomatic Officers in European countries should be transmitted in the first instance to the Department of Overseas Trade."

"The Conference, recognizing the importance of all possible steps being taken to strengthen the mutual co-operation of the several parts of the Empire in matters of commercial intelligence with a view to the development of Empire trade, welcomes the arrangements proposed by His Majesty's Government."

"It also welcomes the offer of the Governments of the Dominions which have appointed Trade Commissioners in countries overseas to make a similar arrangement for the utilization of those officers by Governments of other parts of the Empire."

"The Conference further recommends that, when two or more Governments of the Empire maintain commercial representatives in the same country, an endeavour should be made to arrange that the offices of these representatives should be in the same building or in close proximity, in order to facilitate all possible co-operation between such representatives in their work on behalf of Empire Trade."

(See also pages 32-35 above.)

46888

No. 320.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

[Answered by No. 321.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.
(Southern Rhodesia. No. 432.)

} Dominions No. 493.)

[MY LORD,] [SIR,]

Downing Street, 14th October, 1924.

I HAVE the honour to request [Your Excellency,] [you,] to invite the attention of your Ministers to the Resolution of the Imperial Economic Conference, 1923, on the subject of Commercial Intelligence Services, which appears on pages 261-262 of the enclosed extract* from the report of the proceedings of the Conference.

2. Copies of a despatch containing instructions for the guidance of the appropriate officers of His Majesty's Commercial Diplomatic and Consular Services, in accordance with the first paragraph of the Resolution, are enclosed together with copies of a list† of the officers concerned.

[Not to Southern Rhodesia: 3. His Majesty's Government would be glad to learn whether Dominion Governments endorse the offer of the services of Dominion Trade Commissioners referred to in paragraph 3 of the Resolution.]

* Extract from [Cmd. 2009]. † Not printed here.

To all: 43. His Majesty's Government accept the suggestion contained in paragraph 4 of the Resolution and will do their best to co-operate in giving effect to it.]

[To Newfoundland and Southern Rhodesia: 54. In connexion with the arrangements made for the utilization of the services of His Majesty's Commercial Diplomatic and Consular Services, I would invite special attention to the memorandum on pages 257-260 of the enclosed report of the proceedings of the Imperial Economic Conference; copies of the previous despatches* regarding the arrangements made with the Government of Canada, and extended later to the other self-governing Dominions, are also enclosed.]

I have, &c.,

J. H. THOMAS.

Enclosure in No. 320.

(Overseas Trade Circular.)

Department of Overseas Trade, 35, Old Queen Street, London, S.W.1,

25th September, 1924.

SIR,

WITH regard to Overseas Trade Circular 1071/F.G., dated 6th February last, transmitting copy of the "Summary of Conclusions of the Imperial Economic Conference, 1923," it will no doubt have been observed from the "Statement of the Position of His Majesty's Government in regard to the Resolutions" [Cmd. 2115], which has been separately circulated, that His Majesty's Government have now formally accepted Resolution 4 (A) (i), "Commercial Diplomatic and Consular Services." Under this Resolution, copy of which is enclosed for convenience of reference, the services of commercial diplomatic officers in foreign countries (and of certain consular officers in countries where no commercial diplomatic officers have been appointed) are placed at the disposal of the Governments of the Dominions and India and of the Colonies and Protectorates in the same way and to the same extent as the services of His Majesty's Trade Commissioners within the Empire are already at their disposal.

2. No doubt since the receipt of the circular despatch referred to above commercial diplomatic officers and consular officers have complied with any requests they may have received from the Governments concerned. A list of the officers upon whom the duty of corresponding with the Governments concerned will devolve has now, however, been drawn up, and I am to request that you will instruct any officers under your jurisdiction whose names are in the list† (copy of which is appended) to regard the arrangements by which their services are placed at the disposal of the Governments of the Dominions and India, and of the Colonies and Protectorates, as being in full operation. That is to say, they should give any assistance in their power in answer to inquiries on commercial matters from the Governments in question, and should bear in mind the importance of calling the attention of any particular Dominion or other part of the Empire to any matter likely to be of special interest to it in the development of its export trade.

3. It is not, of course, expected that the Government of any part of the Empire will have occasion to utilize the services of a commercial diplomatic officer or consular officer where that Government itself maintains a trade commissioner. There should, of course, be full co-operation between such trade commissioners and all officers of this Department.

4. It will have been observed from the terms of the Resolution that in countries outside Europe the Governments will utilize direct the services of the officers concerned, but that communications which it is proposed to address to officers in European countries will be transmitted in the first instance to this Department, which will itself whenever possible reply to the inquiry.

5. Commercial diplomatic officers and consular officers outside Europe will address and transmit their reply direct to the head of the Department from which the inquiry is received. Replies to inquiries transmitted by the Department of Overseas Trade to commercial diplomatic officers and consular officers in Europe should be forwarded to the Department of Overseas Trade for transmission.

* Enclosure in No. 10 in Dominions No. 83. † Not printed here.

6. Enough copies of this circular are enclosed for transmission to the officers concerned, and for the information of other officers as you may consider necessary.

I am, &c.,
(for the Secretary of State).
W. H. CLARK.

His Majesty's Representative at

58794

No. 321.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th December, 1924.)

(No. 456.)

SIR, Vice Regal Lodge, Dublin, 15th December, 1924.
I HAVE the honour to refer to Mr. Thomas's despatch Dominions No. 493, dated 14th October,* and to say that my Ministers endorse the proposal contained in paragraph 3 thereof.

I have, &c.,
T. M. HEALY.

(ii.) Commercial Travellers' Samples.

This Imperial Economic Conference proposes that articles liable to duty imported into any part of the British Empire as samples or specimens by commercial travellers representing manufacturers or traders established in any other part of the British Empire should be temporarily admitted free of duty, subject to such persons complying with the laws and regulations and also the Customs formalities established to assure the re-exportation or deposit in bond of the articles, or payment of the prescribed Customs duties if not re-exported or deposited within the prescribed period. But the foregoing privilege should not extend to articles which owing to their quantity or value, cannot be considered as samples, or which, owing to their nature, could not be identified upon re-exportation.

The marks, stamps, or seals placed upon such samples by the Customs authorities of any part of the Empire at the time of exportation, and the officially tested list of such samples containing a full description thereof, including, in the case of goods liable to *ad valorem* duty, a statement of their value, should be accepted by the Customs officials of any other part of the Empire as establishing their character as samples and exempting them from inspection, except so far as may be necessary to establish that the samples produced are those enumerated in the list.

The Customs authorities of that part of the Empire into which the samples are brought may, however, affix a supplementary mark to such samples or lists in special cases where they may think this precaution necessary.

In cases where the regulations require the provisional payment of the duties or deposits for such samples on entry a receipt for such payment should be given, and the duties or deposits should be reimbursed at any Custom house at which the samples may be produced with a view to re-exportation.

(iii.) Trade Catalogues.

This Imperial Economic Conference proposes that, where freer admission of catalogues and price-lists is not provided for, single copies of trade catalogues and price-lists of firms having an established place of business within the Empire, sent by post, or with consignments of goods, from any part of the British Empire, to business firms in any other part of the British Empire, should be admitted free of duty, provided that they are the trade catalogues or price-lists of firms or persons having no established place of business in the territory to which they are sent.

* No. 320.

10317

No. 322.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 324, 325, 326, and 327.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.

Dominions No. 135.)

[MY LORD,] [SIR,]

Downing Street, 24th March, 1924.

[To Irish Free State only: WITH reference to Your Excellency's despatch No. 71 of the 27th of February,*] I have the honour to request [Your Excellency] [you] to invite the attention of your Ministers to the Resolutions of the Imperial Economic Conference on the subject of Commercial Travellers' Samples and Trade Catalogues and Price Lists on pages 262-3 of the extract† from the Record of Proceedings of the Conference of which copies are enclosed.

2. As regards commercial travellers' samples, His Majesty's Government would be glad to make informal reciprocal arrangements, in cases where such arrangements have not already been made, for facilities for the admission of such samples on the lines laid down in the enclosed notice issued by the Board of Customs and Excise.

3. As regards trade catalogues and price lists, the practice of His Majesty's Government is already in accord with the recommendations of the Imperial Economic Conference, and they hope that the other Governments concerned will be able to adopt these recommendations and to take the necessary action to give effect to them.

I have, &c.,
J. H. THOMAS.

10317

No. 323.

SOUTHERN RHODESIA.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 328.]

(No. 138.)

SIR,

Downing Street, 16th April, 1924.

I HAVE the honour to request you to invite the attention of your Ministers to the Resolutions of the Imperial Economic Conference on the subject of Commercial Travellers' Samples and Trade Catalogues and Price Lists on pages 262-3 of the extract from the Record of Proceedings of the Conference, of which copies are enclosed.

2. As regards commercial travellers' samples His Majesty's Government would be glad to make informal reciprocal arrangements with Southern Rhodesia for facilities for the admission of such samples on the lines laid down in the enclosed notice issued by the Board of Customs and Excise.

3. As regards trade catalogues and price lists, the practice of His Majesty's Government is already in accord with the recommendations of the Imperial Economic Conference.

I have, &c.,
J. H. THOMAS.

* 9446: not printed; it related to the establishment of an informal reciprocal arrangement for the admission of Commercial Travellers' samples free of duty as between Great Britain and Northern Ireland, and the Irish Free State. † Not reprinted: pages 255-282 of [Cmd. 2009].

26860

No. 324.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5th June, 1924.)

(No. 218.)

SIR,

Vice Regal Lodge, Dublin, 4th June, 1924.

I HAVE the honour to refer to your despatch, Dominions No. 135 of the 24th March last,* inviting the attention of my Ministers to certain Resolutions of the Imperial Economic Conference on the subject of Trade Facilities, and to state in reply that as regards the subject matter of Resolution II (Commercial Travellers' Samples), the purpose would already seem to have been achieved by the arrangement for reciprocal facilities between the Saorstad and Great Britain, referred to in my despatch No. 71 of the 27th February, 1924.†

2. As regards Resolution III (Trade Catalogues and Price Lists) my Ministers concur in the recommendations of the Conference, and would be glad to see them generally adopted. So far as the Saorstad is concerned trade catalogues and price lists are not liable to duty, and the question of special exemption does not therefore arise.

I have, &c.,

T. M. HEALY.

30723

No. 325.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 30th June, 1924.)

(No. 95.)

SIR,

Government House, Wellington, 21st May, 1924.

WITH reference to your despatch Dominions No. 135 of the 24th March,* I have the honour to inform you that my Ministers advise me that arrangements have already been made for facilities for the admission of commercial travellers' samples to New Zealand, on the lines laid down in the Notice issued by the Board of Customs and Excise, which accompanied your despatch.

2. Ministers add that trade catalogues and price lists of goods of firms having no established business in New Zealand are free of duty, except for the primage duty of one per cent. *ad valorem*, and that, as single copies of such catalogues and price lists are of relatively small value, they are admitted free of duty.

I have, &c.,

JELICOE,

Governor-General.

31769

No. 326.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5th July, 1924.)

(No. 279.)

SIR,

Government House, Ottawa, 26th June, 1924.

WITH reference to your despatch of the 24th March last, Dominions No. 135,* on the subject of the resolution of the Imperial Economic Conference relative to Commercial Travellers' Samples and Trade Catalogues and Price Lists, I have the honour to enclose herewith copies of an Approved Minute of the Privy Council for Canada, to the effect that it is not deemed necessary or advisable to make any change in the present practice of the Canadian Government in regard to the two subjects mentioned.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 326.

THE FOLLOWING IS A TRUE COPY OF A MINUTE OF A MEETING OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 20TH JUNE, 1924.

(P.C. 743.)

THE Committee of the Privy Council have had before them a Report, dated 26th April, 1924, from the Secretary of State for External Affairs, with reference to a despatch from the Secretary of State for the Colonies, dated 24th March, 1924, inviting the attention of the Canadian Ministers to Resolutions of the Imperial Economic Conference on the subject of Commercial Travellers' Samples and Trade Catalogues and Price Lists, expressing the desire to make reciprocal arrangements within the Empire for facilities for admission of such samples on the lines laid down in a printed Notice No. 12 issued by the British Board of Customs and Excise, and hoping that other governments will be able to adopt the same practice with regard to Trade Catalogues and Price Lists as is now the British practice and which is in accord with the recommendations of the Imperial Economic Conference.

The Minister states that with regard to Trade Catalogues and Price Lists, the practice of the Canadian Government as applied to all countries is now in accord with these recommendations. (See copy of Memorandum No. 1411-B, hereto attached.)

With regard to Commercial Travellers' Samples, the Minister states that the practice of the Canadian Government is as contained in Memorandum No. 1729-B, hereto attached; that this practice applies to the United Kingdom, all British Colonies and Possessions, and also to the following countries accorded most-favoured-nation treatment in Tariff matters with Canada, viz.:

Argentine Republic,
Columbia,
Denmark,
Japan,
Norway,
Russia,
Sweden,
Switzerland, and
Venezuela.

Furthermore, this practice is practically in accord with the British practice except that such samples are subject in all cases to examination and appraisal and officially attested lists are not accepted as exempting the goods from inspection.

The Committee, on the recommendation of the Secretary of State for External Affairs and with the concurrence of the Minister of Customs and Excise, advise that Your Excellency may be pleased to inform the Right Honourable the Secretary of State for the Colonies that Your Excellency's advisers are of the opinion that it is not deemed necessary or advisable to make any change in the present practice of the Canadian Government in regard to the two subjects mentioned.

All of which is respectfully submitted for Your Excellency's approval.

E. J. LEMAIRE,

Clerk of the Privy Council.

No. 1411-B.

MEMORANDUM.

DEPARTMENT OF CUSTOMS, CANADA.

Ottawa, 8th May, 1907.

To Collectors of Customs,

Trade Catalogues and Price Lists, addressed to Merchants in Canada, Duty Free.

You are hereby advised that an Order in Council has been passed, which reads as follows:—

"That the regulations heretofore established for the free delivery of certain catalogues and price lists for wholesale trade only, be repealed, and instead thereof that remission of duty be authorized in respect of bona fide trade catalogues and

* No. 322. † 9446: not printed; it related to the establishment of an informal reciprocal arrangement for the admission of Commercial Travellers' Samples free of duty as between Great Britain and Northern Ireland and the Irish Free State.

price lists not designed to advertise the sale of goods by any person in Canada, when sent into Canada in single copies addressed to merchants therein, and not exceeding one copy to any merchant for his own use, but not for distribution."

Memos. 1009-B and 1071-B are cancelled.

JOHN M. DOUGALD,
Commissioner.

Mailed direct to Outports and Stations.

No. 1729 B.

MEMORANDUM.

DEPARTMENT OF CUSTOMS, CANADA.

Ottawa, 1st May, 1913.

To Collectors of Customs:

Regulations Respecting Samples Provided for by Treaty.

THE Regulations contained in Memorandum 1710-B. of 1st February, 1913, in the above matter, are repealed, and, in view of the Japanese Treaty Act, 1913, the following Regulations are substituted therefor, in effect 1st May, 1913, viz.:

1. Samples of dutiable goods, solely for use in taking orders for merchandise, imported temporarily into Canada direct by non-residents from any British country or from Japan, or from any country entitled in Canada to the advantages of the Franco-Canadian Convention of 1907, may be admitted upon deposit of a sum equal to the duty, to assure the re-exportation of such samples within one year.

2. A temporary entry of such samples, in duplicate, with certified invoices annexed in the usual form, shall be presented to the Collector of Customs at the port of entry.

The importer shall make and subscribe to a declaration on the face of the temporary entry that the goods described therein are bona fide samples for use only in taking orders for merchandise and to be re-exported within twelve months.

3. When the samples are marked by a Customs officer for identification and the temporary entry duly completed, the Collector may issue his permission for the release of the samples, upon receiving from the importer a sum of money equal to the duty, so as to assure the re-exportation of all the samples.

4. The Permission for the release of the sample goods shall be in duplicate, with a notation thereon that the money deposited with the temporary entry of samples shall be returned to the importer, provided the whole of the said samples be exported within twelve months from the time of entry, with proof of such exportation furnished to the satisfaction of the Collector.

5. The deposit received with the temporary entry of samples shall be dealt with by the Collector in the same manner as Tourists' deposits.

Such temporary entries shall be numbered and filed in consecutive order.

One copy of the temporary entry, with invoice and Permission annexed, shall be delivered to the importer, so that the same may be presented to the Customs officer when samples are re-exported.

Note.—The foregoing privilege does not extend to articles which, owing to their quality or value, or which, owing to their nature, could not be identified upon re-exportation.

The foreign countries entitled by Treaty to most-favoured-nation treatment in Canada in Tariff matters are: Argentine Republic, Austria-Hungary, Bolivia, Columbia, Denmark, France, Japan, Norway, Russia, Spain, Sweden, Switzerland, Venezuela.

JOHN M. DOUGALD,
Commissioner of Customs.

Mailed to Outports and Stations.

33388

No. 327.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th July, 1924.)

(No. 311.)

SIR,

Governor-General's Office, Pretoria, 23rd June, 1924.

I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions No. 135 of the 24th March, 1924,* copy of Minute from Ministers on the subject of the resolutions of the Imperial Economic Conference regarding Commercial Travellers' Samples and Trade Catalogues and Price Lists.

I have, &c.,

ATHLONE,

Governor-General.

Enclosure in No. 327.

MINUTE No. 458.

Prime Minister's Office, 19th June, 1924.

MINISTERS have the honour to acknowledge His Excellency the Governor-General's Minute No. 21/352 of the 15th ultimo, regarding the Resolutions of the Imperial Economic Conference on the subject of Commercial Travellers' Samples and Trade Catalogues and Price Lists, and desire to inform His Excellency that under the Union Customs Laws, Tariffs and Regulations issued thereunder, these matters are already dealt with in conformity with such Resolutions.

In view of the wish expressed in the second paragraph of despatch No. 135 of the 24th March, from the Secretary of State for the Colonies, to institute an informal reciprocal arrangement covering the above matters, Ministers consider it desirable to state briefly the Union laws and regulations on the subject:

Class V, item 157, of the First Schedule to the Customs Tariff Act, 1914, provides for the admission free of duty of catalogues or price lists of foreign firms addressed to importers, merchants or manufacturers, or public libraries and similar institutions.

By "foreign firms" is meant firms or persons having no established place of business in the Union.

The Act quoted does not restrict the number of catalogues that may be sent to any one business, but the word "addressed" is interpreted to mean that such catalogues, etc., must be for the use of the addressee and not intended for distribution by him. On the other hand, the Union Department of Customs and Excise has power in its discretion to allow such catalogues to be imported in bulk as cargo, provided the address of each merchant, manufacturer, etc., to whom they will be sent, is indicated thereon.

Under the revised Union Customs Tariff as drafted recently for the consideration of Parliament, consequent on the decisions of the Imperial Economic Conference, it was intended to allow the importation free of duty of catalogues, price lists, etc., no matter to whom consigned, it being held that the imposition of any restrictions whatsoever would not be in the best interests of trade. This would not, however, apply to such Union firms as might have their catalogues, etc., printed abroad.

Commercial Travellers' Samples.—Section 6, sub-section (e) of the Customs Tariff Act, 1914, authorizes the Governor-General to allow a refund of the duty paid on bona fide travellers' samples, upon the export thereof.

The regulations issued under Section 14 (b) of the said Act read:

"In order to obtain a refund of the duty originally paid on bona fide travellers' samples on the re-export thereof, the following conditions must be complied with:

(a) The samples in question must be re-exported within twelve months of the date of importation.

* No. 322.

- (b) Due notice must be given of the intended shipment to the Collector of Customs at the port of export.
- (c) The original invoices bearing the date stamp of the Customs officer who verified the importation of the samples in question must be produced and every facility for the examination of the goods shown thereon must be given. The containing packages shall thereafter be sealed up by the Customs officer;
- (d) A certificate must be produced from the proper officer of Customs to the effect that the packages have been duly shipped and that the Customs seals were intact."

Ministers desire to add that the Act and the Regulations framed thereunder are liberally interpreted, for example, a motor car imported by the accredited traveller for an overseas motor car manufacturer, and intended for demonstration purposes only, would be regarded as a sample and, provided it was exported within the prescribed period, the duty paid would be refunded.

The duty paid is refunded at the port of export, irrespective of where originally entered for payment of duty, provided the requisite documents are produced and are found to be in order.

J. C. SMUTS.

35844

No. 328.

SOUTHERN RHODESIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 28th July, 1924.)

[Answered by No. 330.]

(No. 195.)

SIR, Governor's Office, Salisbury (Rhodesia), 2nd July, 1924.

I HAVE the honour to refer to your despatch No. 138 of the 16th April* on the subject of a Resolution of the Imperial Economic Conference regarding Commercial Travellers' Samples and Trade Catalogues and Price Lists on pages 262-3 of the extract from the Record of Proceedings of the Conference.

My Government approves of the proposed informal reciprocal arrangement whereby facilities for the admission of Commercial Travellers' Samples into Southern Rhodesia will be granted in terms of the notice issued by the Board of Customs and Excise. The authority for making such an arrangement is contained in existing legislation.

3. My Ministers inform me that Catalogues and Trade Price Lists issued by firms established within the Empire are admitted to Southern Rhodesia free of duty.

I have, &c.,

J. R. CHANCELLOR,

Governor.

49636

No. 329.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 611.)

SIR, Downing Street, 28th October, 1924.

I HAVE the honour to request Your Excellency to inform your Ministers that the Board of Trade have brought to my notice the fact that commercial travellers' samples entering the Irish Free State from Great Britain and Northern Ireland are liable to the stamp duty levied in accordance with Section 22 of the Finance Act, 1924 (No. 27 of 1924).

(2) In this connexion I would invite attention to the recommendation of the Imperial Economic Conference that arrangements should be made between the

* No. 323.

various parts of the Empire for the reciprocal admission free of duty of commercial travellers' samples, and to the correspondence on this subject terminating with your despatch No. 218 of the 4th June.*

(3) While the resolution adopted by the Conference related primarily to customs duty and not to charges of the kind now in question, it would appear that the levying of stamp duties on samples carried by commercial travellers constitutes a hindrance to trade, on the grounds both of expense and of delay of a nature which the Conference Resolution was intended to obviate. The Board of Trade inquire whether it would be possible to permit such samples, when of no commercial value, to be admitted into the Irish Free State free of stamp duties.

(4) I shall accordingly be glad if your Ministers may be invited to consider whether, in those cases in which they come to arrangements with other parts of the Empire on the lines set out in the Resolution of the Imperial Economic Conference, exemption from stamp duties could not be accorded to samples of no commercial value carried by commercial travellers, in the same way as exemption from customs duties, provided that the conditions set out in the Resolution are fulfilled.

I have, &c.,

J. H. THOMAS.

49300

No. 330.

SOUTHERN RHODESIA.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 459.)

SIR,

Downing Street, 4th November, 1924.

I HAVE the honour to acknowledge the receipt of your despatch No. 195 of the 2nd of July† regarding the admission of Commercial Travellers' Samples Trade Catalogues and Price Lists into Southern Rhodesia, and to request you to inform your Ministers that the Board of Customs and Excise have issued instructions to their officers to admit into this country, free of duty, samples of dutiable goods brought by commercial travellers from Southern Rhodesia subject to observance of the usual conditions governing the admission of samples brought by commercial travellers from countries with which arrangements for reciprocal facilities have been made.

I have, &c.,

J. H. THOMAS.

(B) Statistics.

This Imperial Economic Conference, recognizing the importance of rendering the trade statistics published by the Government of the United Kingdom as valuable as possible with reference to the development of inter-Imperial trade, recommends that the United Kingdom Board of Trade, after reviewing the statistics in question from this point of view, should draw up a detailed scheme and submit it to the Governments of the several parts of the Empire for their consideration.

(See page 41 of Dominions No. 83.)

7039

No. 331.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.
(Southern Rhodesia. No. 65.)

Dominions No. 77.)

[My LORD,] [SIR,]

Downing Street, 27th February, 1924.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the informa-

* No. 324.

† No. 328.

tion of your Ministers, copies of an extract* from the Proceedings of the Imperial Economic Conference containing a resolution passed by the Conference on the subject of Trade Statistics (see pages 255-6 and 281-2).

2. In accordance with the recommendation of the Conference the Board of Trade are making examination of the matter with a view to the submission of a revised scheme of Imperial Statistics for the consideration of the Governments concerned.

I have, &c.,
J. H. THOMAS.

Note.—No further developments occurred before the end of 1924.

(C) Imperial Communications.

(i) Shipping.

(a) Imperial Shipping Committee.

It was agreed to adopt the following resolutions:—

(1)

That this Imperial Economic Conference desires to convey to Sir Halford Mackinder, as Chairman of the Imperial Shipping Committee, and to the members of that Committee, an expression of its appreciation of the very excellent work which they have done during the period of the Committee's existence, both in the interests of the commercial and producing communities, and of British citizens generally.

(2)

That this Imperial Economic Conference is of opinion:—

(1) That the work accomplished by the Imperial Shipping Committee is convincing proof of the wisdom of its establishment, and that it is of the highest importance to the Empire that this work should continue.

(2) That it is therefore desirable to maintain the Committee on its present basis, deriving authority from, and responsible to, the Governments represented in the Imperial Conference.

(See pages 42 and 96 of Dominions No. 83.)

55112

No. 332.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.

Dominions No. 218.)

[MY LORD,] [SIR,]

Downing Street, 12th May, 1924.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of Resolutions adopted by the Imperial Economic Conference regarding the Imperial Shipping Committee. These Resolutions are set out on pages 331-332 of the Record of Proceedings of the Conference [Cmd. 2009].

* Not reprinted: pages 255-282 of [Cmd. 2009].

2. His Majesty's Government fully appreciate the value of the work of the Imperial Shipping Committee, and readily endorse these Resolutions.

I have, &c.,
J. H. THOMAS.

Secretariat Note.—The following Reports of the Imperial Shipping Committee were sent to the Dominions during 1923-1924:—

- (i) The Work of the Imperial Shipping Committee, 1920-1922 (Cmd. 1872) by despatch Dominions No. 187 of 26th May, 1923. (25506/23.)
- (ii) The Economic Size and Speed of Vessels Trading between the United Kingdom and Australia (Cmd. 1917) by despatch Dominions No. 283 of 1st August, 1923. (37817/23.)
- (iii) The Methods of Assessment of Shipping to Income Tax within the Empire (Cmd. 1979), by despatch Dominions No. 422 (Irish Free State, No. 659) of 15th November, 1923. (53872/23.)
- (iv) The Prospective Size of Vessels in the Eastern and Australian Trades via Suez in relation to proposals for the deepening of Colombo Harbour (Cmd. 2250), by despatch Dominions No. 478 of 30th September, 1924. (45635/24.)
- (v) and (vi) Rates of Freight on Canadian Flour in the North Atlantic (Interim Report Cmd. 2248) and Canadian Marine Insurance Rates (Interim Report Cmd. 2249), by despatch Dominions No. 480 of 3rd October, 1924. (45634/24.)
- (vii) East African Shipping Services (Interim Report N.P.P.) by despatch Dominions No. 563 (Southern Rhodesia No. 504) of 6th December, 1924. (56042/24.)

(b) Carriage of Goods by Sea.

It was agreed that the following resolution be adopted:—

This Imperial Economic Conference having examined the Rules relating to Bills of Lading recommended by the International Conference on Maritime Law held at Brussels in October, 1922, and embodied in the Carriage of Goods by Sea Bill now before the British Parliament, is of opinion that in all essential principles they are based upon the Canadian Water Carriage of Goods Act, 1910, and the Report of the Imperial Shipping Committee, 1921, and, believing that there is a good prospect of international agreement in regard to bills of lading on this basis which would be of benefit to every part of the Empire, considers that these rules can be recommended for adoption by the Governments and Parliaments of the Empire.

9156

No. 333.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.

Dominions No. 102.)

[MY LORD,] [SIR,]

Downing Street, 5th March, 1924.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of extracts* from the proceedings of the Imperial Economic Conference containing the Resolution passed by the Conference on the subject of Bills of Lading, together with the relevant discussions, and the report of the Bills of Lading Committee of the Conference (see pages 296-299, 313, 323, 324, 332, 340-345).

* Pages 383-350 [Cmd. 2009].

2. It is proposed, in consequence of final revisions made in the draft international convention by a Committee of the Brussels Conference on Maritime Law, to make certain minor amendments to the Carriage of Goods by Sea Bill introduced in the last Parliament, of which copies were enclosed in my predecessor's despatch [Dominions No. 352] [No. 566] of the 21st of September last.*

3. I enclose copies of a question and answer in the House of Commons, which indicate the position with regard to the introduction into Parliament of the revised Bill. Copies of the Bill will be forwarded as soon as they are available.

I have, &c.,

J. H. THOMAS.

Enclosure in No. 333.

HOUSE OF COMMONS.

(12th February, 1924.)

Carriage of Goods by Sea Bill.

1. Captain Wedgwood Benn asked the President of the Board of Trade whether it is intended to reintroduce the Carriage of Goods by Sea Bill which was reported by a Select Committee of both Houses in July last; and whether, if this is the case, facilities will be given for its rapid passage into Law?

3. Mr. Rathbone asked the President of the Board of Trade whether he will, at an early date, reintroduce the Carriage of Goods by Sea Bill, which, but for the Dissolution last November, would, as an agreed Measure, already be on the Statute Book?

The President of the Board of Trade (Mr. Webb): It is proposed to introduce this Bill, either here or in another place, at an early date, and to proceed with it as rapidly as the other business of Parliament permits.

39541

No. 334.

NEW ZEALAND.

OFFICE OF THE HIGH COMMISSIONER to COLONIAL OFFICE.

(Received 18th August, 1924.)

New Zealand Government Offices,

415, Strand, London, W.C.2, 16th August, 1924.

SIR,

I AM desired by the High Commissioner to inform you that after the Imperial Economic Conference which was held in London last year, full Reports of the Meetings of the various Committees, copies of the Resolutions, etc., etc., were forwarded by him to New Zealand.

The High Commissioner has now received a memorandum from his Government with respect to the Reports and Resolutions of the Bills of Lading Sub-Committee. This states that the documents submitted by the High Commissioner have been read together with later advices received from the Right Honourable the Secretary of State for the Colonies.

The memorandum adds that the Sea Carriage of Goods Act, which is now law in New Zealand, represents a considered agreement between the interests concerned, and, while the New Zealand Act differs to some extent from the original Brussels Rules, it is now clear that absolute uniformity in this matter throughout the Empire is not likely to be attained, and in fact in Great Britain there has, from the latest advices, been some departure from the original Rules.

In view of all the circumstances, it has, therefore, been decided that no action shall be taken in the direction of reopening the question so far as New Zealand is concerned.

I am, &c.,

ALEXANDER CRABB.

Secretary to the Department.

* Not printed: it enclosed copies of the Carriage of Goods by Sea Bill, 1923, with copies of the Report of a Joint Select Committee of both Houses of Parliament (House of Commons No. 106 of 1923).

39900

No. 335.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.

Dominions No. 435.)

[MY LORD,] [SIR,]

Downing Street, 3rd September, 1924.

WITH reference to my despatch Dominions No. 123 of the 14th of March,* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of the Carriage of Goods by Sea Act, 1924 (14 and 15 Geo. V, Ch. 22).

I have, &c.,
(for the Secretary of State),
HENRY LAMBERT.

50695

No. 336.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.

Dominions No. 519.)

[MY LORD,] [SIR,]

Downing Street, 1st November, 1924.

WITH reference to my despatch Dominions No. 435 of the 3rd of September,† I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of the "Carriage of Goods by Sea Order, 1924,"‡ dated the 9th of October, providing for the coming into operation of the Carriage of Goods by Sea Act on the 1st of January, 1925.

I have, &c.,
J. H. THOMAS.

Secretariat Note.—Similar legislation was passed in the Commonwealth of Australia—Sea Carriage of Goods Act, No. 22 of 1924.

* 10646: not printed; it enclosed copies of the Bill. † No. 335. ‡ Not reprinted: see *London Gazette* 14th October, page 7899.

(c) Shipping Taxation.

It was agreed that the recommendations put forward in the Report of the Shipping Taxation Committee* be adopted.

55131

No. 337.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

[Answered by Nos. 338, 339, and 341.]

(Canada.
Commonwealth of Australia.
New Zealand.
Union of South Africa.
Irish Free State.
Newfoundland.
New South Wales.
Victoria.
Queensland.
South Australia.
Western Australia.
Tasmania.)

Dominions No. 297.)

[MY LORD,] [SIR,]

Downing Street, 30th June, 1924.

[Not to States: WITH reference to my predecessor's despatch [Dominions No. 422] [No. 659] of the 15th of November, 1923,† I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, the accompanying copies of an extract‡ from the Report of the Proceedings of the Imperial Economic Conference, 1923, relating to Shipping Communications and other Shipping questions, and to request you to invite their attention to the Report of the Shipping Taxation Committee of the Conference (pages 346-350).

2. As regards paragraph 12 (page 348) of the Committee's Report, His Majesty's Government have included the necessary provision in Clause 23 of the Finance Bill, 1924,§ of which copies are enclosed.

3. With regard to paragraph 14 (page 349) of the Committee's Report, as intimated in the statement of the position with regard to the Resolutions of the Imperial Economic Conference (Cmd. 2115), recently published, His Majesty's Government are prepared to take the administrative measures necessary, so far as they are concerned, to put the recommendations into effect, and to invite the Legislatures of the Colonies and Protectorates concerned to make any necessary alterations of their existing laws, and action will be taken accordingly.

4. His Majesty's Government would be glad to be kept informed of any action taken by the oversea Governments in regard to the Committee's recommendations.

I have, &c.,

J. H. THOMAS.

43953

No. 338.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 16th September, 1924.)

(No. 162.)

SIR,

Government House, Wellington, 15th August, 1924.

WITH reference to your despatch Dominions No. 297 of the 30th June,|| with regard to the Report of the Proceedings of the Imperial Economic Conference, 1923,

* See pages 346-350 of [Cmd. 2009].

† Not printed: it enclosed copies of the report of the Imperial Shipping Committee on the Methods of Assessment of Shipping to Income Tax within the Empire [Cmd. 1979], see note iii on page 213.

‡ Not reprinted: see pages 283-350 of [Cmd. 2009].

§ Not reprinted: see Section 31 of Finance Act, 1924 (14 and 15 Geo. V, chap. 21), copies of which were sent to the Dominions and Australian States by despatch Dominions No. 407 of the 23rd August, 1924 (39148/24). || No. 337.

relating to Shipping Communications and other Shipping questions, I have the honour to inform you that my Ministers advise me that the Government of New Zealand is willing to adopt the recommendation of the Shipping Taxation Committee, as set forth in paragraph 14, page 349, of the Committee's Report, and that the Taxing Authorities will make the assessments in respect of non-resident ship-owners in accordance therewith.

I have, &c.,

JELICOE,

Governor-General.

47280

No. 339.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 6th October, 1924.)

(No. 29.)

Government House, Brisbane,

26th August, 1924.

SIR,

I HAVE the honour to forward herewith a copy of a letter I have received from the Honourable the Premier with reference to your despatch Dominions No. 297 dated the 30th June last,* transmitting an extract from the Report of the Proceedings of the Imperial Economic Conference, 1923, relating to Shipping Communications and other Shipping questions.

2. I have not sent a copy of this despatch to His Excellency the Governor-General.

I have, &c.,

MATTHEW NATHAN,

Governor.

Enclosure in No. 339.

SIR,

Premier's Department, Brisbane, 22nd August, 1924.

ADVERTING to the despatch dated the 30th June last, which Your Excellency received from the Colonial Office, accompanied by a copy of an extract from a report of the Proceedings of the Imperial Economic Conference, 1923, relating to Shipping Communications, and other Shipping questions, I have the honour to append hereto the text of a report which has been received from the Queensland Commissioner of Taxes on the matter:—

"This matter was referred to me in June last by several of the local shipping interests representative of overseas shipping, and, after conference with the Federal Commissioner of Taxation, these interests were informed by me that no amendments were contemplated of either State or Federal Income Tax Acts on the point in question.

It should be noted that the main difficulty in this matter is one that is inherent in the British Income Tax Act in that taxation is levied on profits which are derived outside Great Britain, whereas, under the Federal and State taxation enactments, taxation is limited to profits which are derived from sources within the Commonwealth.

I am, therefore, unable to recommend any amendment of the existing law, as the onus of granting relief would appear to be on the United Kingdom and not on the Commonwealth or State Legislatures."

I have, &c.,

EDWARD G. THEODORE,

Premier.

His Excellency

The Governor,

Brisbane.

* No. 337.

47280

No. 340.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 374.)

MY LORD,

Downing Street, 15th October, 1924.

WITH reference to my despatch Dominions No. 297 of the 30th of June,* on the subject of the proceedings of the Imperial Economic Conference, 1923, with regard to Shipping Communications and other Shipping questions, I have the honour to request Your Excellency to inform your Ministers that similar despatches were addressed to the Officers Administering the Governments of the Australian States. A copy of the reply† that has been received from the Governor of Queensland is enclosed.

2. I take this opportunity to state that my despatch Dominions No. 407 of the 23rd of August‡ was also addressed to the Officers Administering the Governments of the States.

I have, &c.,

J. H. THOMAS.

53879

No. 341.

TASMANIA.

THE ACTING GOVERNOR TO THE SECRETARY OF STATE.

(Received 17th November, 1924.)

(No. 34.)

SIR,

Government House, Hobart, Tasmania, 6th October, 1924.

WITH reference to your despatch Dominions No. 297 of the 30th June last,* regarding the report of the Shipping Taxation Committee of the Imperial Economic Conference, 1923, I have the honour to enclose, herewith, a copy of a despatch which I have received from my Premier on the above subject.

I have, &c.,

HERBERT NICHOLLS,
Administrator.

Enclosure in No. 341.

YOUR EXCELLENCY,

30th September, 1924.

WITH reference to the Secretary of State's despatch No. 297, dated 30th June, 1924, regarding the report of the Shipping Taxation Committee of the Imperial Economic Conference, 1923, I have the honour to inform you that under the Taxation Act of this State it is provided that the taxable amount in the case of Foreign Shipping Companies shall be a sum equal to seven pounds ten shillings per centum of the amount of the receipts for live stock, goods, mails and passengers shipped in this State, and carried to any port beyond Tasmania, during the year ended the thirtieth day of June preceding the year of assessment. This percentage can only be regarded, when all things are considered, as most reasonable, and consequently, the exaction should not present much, if any, difficulty to Companies affected.

However, your Ministers are of opinion that the question raised in the report of the Shipping Taxation Committee is fraught with much significance, and it thus appears desirable that the matter should be discussed at the next Conference of State Premiers.

I have, &c.,

J. A. LYONS,
Premier.

His Excellency

The Administrator of the Government,
Hobart.

* No. 337. † No. 339. ‡ Not printed; see note on page 216.

53879

No. 342.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 425.)

MY LORD,

Downing Street, 6th December, 1924.

WITH reference to my predecessor's despatch No. 374 of the 15th of October,* I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a despatch† from the Officer Administering the Government of Tasmania on the subject of the Report of the Shipping Taxation Committee of the Imperial Economic Conference, 1923.

I have, &c.,

L. S. AMERY.

(ii) Air Navigation.

It was decided to adopt the following Resolutions:—

(1) That the British Government should circulate to the Dominions and India a statement showing the present anticipated operational performances of rigid airships and in the future should circulate regularly up-to-date information of the progress of the Burney airship proposals in order that consideration of Empire participation in these or future airship proposals might be facilitated.

(2) That the British Government should prepare a draft procedure designed on a reciprocal basis to secure more rapid and more extensive interchange of information in regard to civil aeronautics and should submit this for the consideration of the other Governments of the Empire with a view to general adoption.

(3) That having regard to post-war developments, any British overseas countries which have no up-to-date experience of air photography and contemplate the use of air survey, would be well advised, whenever possible to consult other Empire Governments having such experience before accepting estimates or schemes providing for its use.

(See also page 61 above.)

(a) Resolution (1)—Airship Services.

21750

No. 343.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Irish Free State.

(Newfoundland.

(Southern Rhodesia. No. 176.)

Dominions No. 236.)

[MY LORD,] [SIR,]

Downing Street, 24th May, 1924.

[Not to Southern Rhodesia: With reference to my despatch Dominions No. 95 of the 5th of March,‡ I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copies of the House of Commons Official Report§ of the 14th of May containing a statement by the Prime Minister on the policy of His Majesty's Government regarding the British Airship Service.

I have, &c.,

J. H. THOMAS.

* No. 340. † No. 341. ‡ 9191: not printed; it enclosed copies of an announcement in Parliament regarding the establishment of a Cabinet Committee to examine and report on the Imperial Airship Scheme. § Extract only printed.

Enclosure in No. 343.

(Extract.)

BRITISH AIRSHIP SERVICE,

GOVERNMENT PROPOSALS.

Statement by Prime Minister.

LIEUT.-COLONEL SIR S. HOARE (by Private Notice) asked the Prime Minister whether he can make a statement of the Government's policy in connexion with airships?

THE PRIME MINISTER: After careful examination His Majesty's Government have decided to reject the scheme put forward by the Airship Guarantee Company—commonly known as the Burney scheme. In their opinion this scheme would have entailed the creation of a virtual monopoly, and contained a number of other features which are open to objection both on financial and technical grounds. At the same time, His Majesty's Government share the view of their predecessors that it is essential to carry into effect as early as possible a constructive programme of airship development.

They propose, accordingly, to authorize the Air Ministry to initiate forthwith a comprehensive programme of lighter-than-air research and experiment at Cardington, including full-scale experiments with one of the existing ships, which will be reconditioned for the purpose, and to undertake the early construction of a new airship of a capacity of 5,000,000 cubic feet.

Further, the Air Ministry will undertake the construction of a terminal and an intermediate base overseas, with the necessary facilities to enable these two ships to be operated with safety between England and India.

Simultaneously, the Air Ministry will give the Airship Guarantee Company the first offer of a contract for the construction of a second ship for commercial purposes. It is proposed that this contract shall include a clause under which the constructors will be permitted to re-purchase the ship from the Air Ministry at a reduced figure on completion of satisfactory flying trials, provided—

(1) that it is to be operated in connexion with an approved British commercial airship service; and

(2) that it shall be available for use by the State as required.

By these means private initiative will be linked with lighter-than-air development from the start, and, in the event of success, the early inauguration of commercial airship services open to all firms likely to be interested will be facilitated. At the same time this second vessel will provide the nucleus of a reserve of personnel and material. Such a reserve will be essential if, as is hoped, airships prove capable of fulfilling certain important defensive functions—a development from which material economies in other forms of defence expenditure may ultimately result.

These proposals should enable two airships to be placed in commission in a shorter period than under the original scheme, since the Government and commercial vessels will be laid down simultaneously. They will, moreover, result in the maintenance of two separate airship manufacturing plants and other ground facilities on a scale which will admit of rapid expansion. Further, the valuable existing airship stations at Cardington and Pulham will remain State property, instead of passing into private hands, whilst ownership of the new bases to be constructed overseas will also be vested in the State.

As regards the financial aspect, under these proposals it will not be necessary to incur from the outset the very heavy commitments—amounting to a total sum of £4,800,000 over a period of fifteen years—which would be involved by the original scheme.

A three years' programme only will be authorized in the first instance, and no decision will be necessary as to further development until this programme is nearing completion, when much fuller data will be available than at present. It is estimated that, allowing for the repurchase of the second ship by its constructors, the net expenditure involved in 1924-25, 1925-26 and 1926-27 will not exceed £1,200,000.

Secretariat Note.—The following further despatches were sent to the Dominions and Southern Rhodesia regarding Airship Services:—

- (i) Despatch Dominions No. 262 (Southern Rhodesia No. 199) of the 11th June enclosing copies of House of Lords Official Report of 21st May, House of Commons Official Report of 28th May, Air Vote Supplementary Estimate (House of Commons paper No. 86), and note as to provisions of a contract for an experimental rigid Commercial Airship (Cmd. 2147). (24238/24.)
- (ii) Despatch Dominions No. 281 (Southern Rhodesia No. 220) of the 24th June enclosing copies of House of Commons Official Report of the 5th June containing debate on Air Vote Supplementary Estimate (Airships). (29019/24.)

(b) Resolutions (2) and (3)—Exchange of Information.

34890

No. 344.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 345, 346, 347, and 348.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.

} Dominions No. 385.)

[MY LORD,] [SIR,]

Downing Street, 15th August, 1924.

I HAVE the honour to request [Your Excellency,] [you,] to invite the attention of your Ministers to the Resolutions of the Imperial Economic Conference on the subject of Air Communications on pages 364-5 of the extract* from the proceedings of the Conference, of which copies are enclosed.

2. With reference to the first Resolution, I understand that a statement on the subject of the performances of rigid airships was circulated to the representatives of the Dominions who were members of the Air Communication Committee at the time of the Conference.

As regards the latter part of this Resolution, full information as to the position of the British airship scheme has been communicated to you in my despatch Dominions No. 281 of the 24th of June† and connected despatches.

3. In order to give effect to the second Resolution, the enclosed memorandum‡ setting out a draft procedure for the exchange of information relating to Civil Aeronautics has been prepared, and I should be glad to receive in due course your Ministers' observations on the procedure proposed.

4. His Majesty's Government accept the recommendation contained in the third Resolution and are prepared to co-operate in giving effect to it.

I have, &c.,
(for the Secretary of State),

ARNOLD.

46375

No. 345.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 30th September, 1924.)

(104.)

SIR,

Government House, St. John's, 11th September, 1924.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 385 of the 15th August§ with reference to the Resolutions of the Imperial Economic Conference on the subject of Air Communications, and to inform you that

* Pages 364-5 of [Cmd. 2009].

† Not printed: see note (ii) above.

‡ Not printed.

§ No. 344.

Ministers have no observations to make on the procedure proposed in the second Resolution in connexion with the exchange of information relating to Civil Aeronautics. At the present time no aviation is being undertaken in Newfoundland either by the Government or by private individuals.

I have, &c.,
W. L. ALLARDYCE.

47827

No. 346.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th October, 1924.)

(No. 413.)

SIR, Government House, Ottawa, 30th September, 1924.
WITH reference to your despatch, Dominions No. 385 of the 15th August,* asking for the observations of my advisers on the proposed procedure for the exchange of information relating to Civil Aeronautics, I have the honour to transmit, herewith, a copy of a letter from the Department of the Secretary of State for External Affairs setting forth the views of my responsible advisers.

I have, &c.,
BYNG OF VIMY.

Enclosure in No. 346.

FROM DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, 25th September, 1924.
WITH reference to the despatch to His Excellency from the Secretary of State for the Colonies, dated the 15th August, 1924, Dominions No. 385, asking for the observations of His Excellency's advisers on the proposed procedure for the exchange of information relating to Civil Aeronautics, I have the honour to state that the Department of National Defence concurs generally in the proposals outlined in the despatch referred to, and especially in the proposal that the present method of exchanging information, as shown in appendices A and B, should continue.

In regard to the proposed periodical news letter on Civil Aviation, it is felt that for some time to come there will not be sufficient information to justify a monthly letter being sent from Canada, and as a quarterly liaison letter is now being sent to the Air Ministry and the other Dominions, it is thought that it will be best to amplify the civil aviation section now included in the present liaison letter and to give the information more or less in the form called for in appendix C.

As regards the proposed appointment of an Empire Liaison Officer for Civil Aeronautics, the Intelligence Officer, Royal Canadian Air Force, is now charged with the collection and dissemination of such information and he can continue to act in this capacity.

With reference to the questionnaire, action will be taken to prepare the information required, in so far as it applies to Canada. The preparation of answers in detail to the whole of the questionnaire involves a very considerable amount of work, and it is thought that some of the detail called for by the present schedule might well be omitted, as it cannot have any great practical value outside of this country. Full information, however, will be furnished on those points which are of general interest.

The Canadian Government is prepared to accept the third resolution of the Air Communications Committee, relating to Air Surveys and Photography. Aerial surveying already plays an important part in the work of mapping and map revision in this country. The Air and Survey Services responsible for this work would welcome a full exchange of information with all other parts of the Empire on the methods and apparatus used and the results obtained.

I am to request that His Excellency may be humbly moved to reply to the Colonial Office despatch in the sense of the foregoing.

I have, &c.,
W. H. WALKER.

Acting Under-Secretary of State for External Affairs.

* No. 344.

51566

No. 347.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd November, 1924.)

(No. 559.)

Governor-General's Office,

Pretoria, 14th October, 1924.

SIR, I HAVE the honour to transmit to you, herewith, with reference to your despatch Dominions No. 385 of the 15th August, 1924,* copy of Ministers' Minute on the subject of the proposed procedure for the regular interchange of information relating to Civil Aeronautics and the appointment of the Secretary of the Union Civil Air Board as Empire Liaison Officer for Civil Aeronautics.

I have, &c.,
ATHLONE,
Governor-General.

Enclosure in No. 347.

Prime Minister's Office, 10th October, 1924.

MINUTE No. 811.

MINISTERS have the honour to acknowledge receipt of His Excellency the Governor-General's Minute No. 59/73 of the 17th of September, 1924, transmitting despatch No. 385 dated 15th August, 1924, with enclosures, from the Secretary of State for the Colonies, inviting their observations on the proposed procedure for the regular interchange of information relating to Civil Aeronautics, and in reply thereto, have to state that they entirely concur in the recommendations set forth on pages 3 and 4 of the Memorandum which accompanied the above despatch.

Ministers have the honour to inform His Excellency that the Secretary of the Union Civil Air Board has been appointed Empire Liaison Officer for Civil Aeronautics, and that this officer will in future undertake, and be responsible for, the work entailed in the adoption of the recommendations referred to above.

J. B. M. HERTZOG.

53391

No. 348.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th November, 1924.)

(No. 223.)

SIR, Government House, Wellington, 7th October, 1924.

WITH reference to your despatch Dominions No. 385 of the 15th August* relative to Air Communications, I have the honour to inform you that my Ministers advise me that they concur in the proposed procedure for the exchange of information, and arrangements will be made to place it into effect forthwith.

2. Ministers appreciate the fact that the British Government is prepared to enable this Dominion to benefit by its experience of air photography for purposes of air survey.

I have, &c.,
JELLICOE,
Governor-General.

* No. 344.

54289

No. 349.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.)

Dominions No. 592.)

[MY LORD,] [SIR,]

Downing Street, 23rd December, 1924.

WITH reference to my predecessor's despatch of the 15th August, Dominions No. 385,* [To Canada: and to your Excellency's despatch No. 413 of the 30th September,†] [To New Zealand: and to Viscount Jellicoe's despatch No. 223 of the 7th October,‡] [To Union of South Africa: and to Your Excellency's despatch No. 559 of the 14th October,§] [To Newfoundland: and to your despatch No. 104 of the 11th September,||] regarding the suggested procedure for the exchange of information relating to civil aeronautics, I have the honour to request [Your Excellency,] [you,] to inform your Ministers that the following officers have been nominated to act as Liaison Officers for the purposes of the scheme:—[Not to Canada: Canada: The Intelligence Officer, Royal Canadian Air Force.] [Not to Union of South Africa: Union of South Africa: The Secretary of the Civil Air Board, Union of South Africa.] India: The Deputy Secretary of the Government of India, Department of Industries and Labour, Public Works Branch, Simla. Great Britain: The Deputy Director of Air Transport, Air Ministry.

2. It is proposed that the exchange of "news letters" between these officers should commence forthwith. The names and addresses of any officers appointed on behalf of the other Dominions will be circulated directly, as soon as they have been received, to the officers concerned by means of the "news letters."

3. As regards information concerning accidents, referred to in paragraphs 11 and 13 (c) of the memorandum enclosed in my predecessor's despatch under reference, the Government of India suggest that the information should be exchanged between the Liaison Officers in a special letter to be written immediately it comes to notice. The Air Council concur in this suggestion, and will, so far as they are concerned, arrange for this procedure to be adopted. They would suggest for consideration the desirability of the adoption of a similar course by the Dominion Governments.

I have, &c.,

L. S. AMERY.

(c) Civil Aviation Advisory Board.

(See pages 68-71 of Dominions No. 83.)

33541

No. 350.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by No. 351.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.)

Dominions No. 344.)

[MY LORD,] [SIR,]

Downing Street, 28th July, 1924.

WITH reference to the statement as to the work of the Civil Aviation Advisory Board contained in the memorandum on Air Communications laid before the Imperial Economic Conference, 1923 (pages 357-8 of Cmd. 2009), [Not to Irish Free State: and to Mr. Churchill's despatch Dominions No. 3 of the 4th of January, 1922,¶] I have the honour to request [Your Excellency] [you] to inform your

* No. 344. † No. 346. ‡ No. 348. § No. 347. || No. 345. ¶ No. 64 in Dominions No. 83.

Ministers that under the terms of the Agreement recently concluded with the Imperial Airways, Limited, which follows the draft agreement contained in Cmd. 2010, copies of which were forwarded in my predecessor's despatch Dominions No. 10 of the 9th January,* the Directors of the Company are, with certain limitations, free to develop their own policy for the extension of their operations and for the exploitation of British air transport in Europe.

2. The effect of this will be to transfer to the Company the consideration of many of those questions which might previously have called for examination by the Civil Aviation Advisory Board, and thus to curtail considerably the scope of the Board's inquiries. This curtailment does not directly affect the matters of extra-European air transport in which the Dominions might be interested, and the Air Council have considered whether the Board could usefully be continued in some modified form. It appears to them preferable, however, that consultation with representatives of the Dominions, when desired, should take the form of *ad hoc* conferences, and that the Dominion interest in the existing Board is insufficient to justify its continuance. In these circumstances they have decided to dissolve the Board.

3. The Air Council desire to give an assurance that there is no thought of withdrawing facilities for discussion with Dominion representatives on Air Transport matters.

I have, &c.,

J. H. THOMAS.

41262

No. 351.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 30th August, 1924.)

(No. 360.)

SIR,

Government House, Ottawa, 20th August, 1924.

WITH reference to your despatch Dominions No. 344 of the 28th July,† regarding the dissolution of the Civil Aviation Advisory Board consequent on the formation of the Imperial Airways, Limited, I have the honour to inform you that the Department of National Defence, to which the purport of this despatch was communicated, has expressed satisfaction at the assurance given by the Air Council that there is no thought of withdrawing the facilities for discussion with the Dominion representatives.

I have, &c.,

BYNG OF VIMY.

Secretariat Note.—The Annual Report on the Progress of Civil Aviation for 1922-23 [Cmd. 1900] was sent to the Dominions (excluding the Irish Free State) by Dominions despatch No. 269 of 21st July, 1923. (35224/23.)

The Annual Report for 1923-24 [Cmd. 2210] was sent to the Dominions and Southern Rhodesia by despatch Dominions No. 388 (Southern Rhodesia, No. 331) of 19th August, 1924. (38674/24.)

* 1489: not printed; it transmitted copies of [Cmd. 2010]. † No. 350.

(iii) Cables and Wireless.

It was agreed that the following Resolutions be adopted:—

(a) That this Imperial Economic Conference affirms the importance of establishing as quickly as possible an efficient Imperial Service of Wireless Communication, and is of opinion that the several Governments of the Empire should take immediate action to remove any difficulties which are now delaying the accomplishment of this, while providing adequate safeguards against the subordination of public to private interests.

(b) That representatives of the Dominions and India should be associated in the work of the Imperial Communications Committee when questions of interest to them are under consideration.

(c) That in view of the fact that the Dominions interested in the Pacific cable have for a long time pressed for the provision of a State-owned connecting link across the Atlantic, all possible support should be given by the Governments of the Empire to the State-owned Atlantic cable route which has now been provided.

(d) That in any concessions given in the British Empire to private enterprise in respect of cable or wireless services (including broadcasting stations), preference should be accorded to British Companies of any part of the Empire.

(See also pages 62-72 above.)

(a) Imperial Wireless Scheme.

9475

No. 352.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL

(Sent 10.20 p.m., 26th February, 1924.)

TELEGRAM.

[Answered by Nos. 355, 357, 358, and 359.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

26TH FEBRUARY. Confidential. His Majesty's Government recently appointed Committee under Chairmanship of Dr. Robert Donald, Chairman of Empire Press Union, to consider and advise on policy to be adopted as regards Imperial wireless services so as to protect and facilitate public interests. Committee have just reported. They investigated the history and circumstances in regard to Empire wireless since the question first came up for Parliamentary discussion. They paid special attention to the negotiations which took place between the last three Postmasters-General and the Marconi Company. The report says that "nine months' negotiations without a settlement having been reached is a disappointing result. A combination of State and private ownership, even under unified management, could not, it appeared, be settled to the complete satisfaction of both parties."

The Committee also say that "a careful reading of the correspondence leads us to the conclusion that it is exceedingly doubtful whether any agreement on the several lines which were under discussion would ever have worked satisfactorily."

The recommendations made by the Committee are as follows:—

(1) That the State through the Post Office should own all wireless stations in Great Britain for communication with the overseas Dominions, Colonies, Protectorates and Territories.

(2) That the Post Office should operate directly, under an improved business organization, all the Empire Stations in Great Britain.

(3) That as an alternative an exception be made to the foregoing recommendations in the case of Canada, and that competition between the Post Office and private enterprise in the Anglo-Canadian wireless service,

which exists at present, be continued, provided that, in any licence granted for the Anglo-Canadian service, public interests are safeguarded as regards conditions of working and terms of expropriation by the State.

(4) That in any licence granted to a private company, the State must reserve to itself the right to take possession or exercise control over the working of the licensed stations whenever in the opinion of the Government an emergency requires it.

(5) That the Leaffield station should be enlarged as recommended by the Post Office wireless experts and engineers, that the new high-power station, now building at Rugby, should be extended to a 16-mast station, that a second new station of similar capacity be erected, and that these works should be put in hand without delay.

(6) That each of the high-power stations should be of world range and equipped with the latest apparatus, so that the highest degree of efficiency can be attained.

(7) That, if necessity arises, full advantage be taken of the Patents and Designs Act, 1919 (Section 8), under which the Crown can acquire the use of all patented inventions which may be useful for public utility services such as wireless.

(8) That in order that State management and operation of Empire wireless may be carried out in a way to ensure the greatest efficiency, an improved business organization should be set up by the Post Office, and that the Post Office Advisory Council of business men be consulted on this question.

(9) That the present terminal wireless station near Cairo be removed from the Empire system as soon as the requirements of the Admiralty are met by other stations and the proposed new high-power stations in India, South Africa and Australia are in operation.

(10) That the expert Wireless Telegraphy Commission be requested to report on the extent, and cost, of a wireless system for the Colonies necessary to complete the Empire network of wireless communications.

With regard to foreign wireless the Committee recommend that the Post Office give up its Stonehaven and Caister stations which only communicate with the Continent and are run at a loss and that private enterprise should be given facilities to develop wireless communications with Continental Europe and with the rest of the world outside the British Empire, subject, in the case of Anglo-Continental services, to suitable terms being arranged for the payment of royalties or otherwise in view of the competition which must exist between wireless and State-owned cables.

His Majesty's Government would be glad to know views of your Government by telegraph on these recommendations at earliest possible moment.

The Rugby station now in course of construction will be ready for working by the end of this year.—THOMAS.

9475

No. 353.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.30 p.m., 1st March, 1924.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

1ST MARCH. Report of Imperial Wireless Committee, referred to in my telegram of 26th February, Confidential,* has now been published.—THOMAS.

* No. 352.

9475

No. 354.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

(Canada.	} Dominions No. 97.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Irish Free State.	
(Newfoundland.	
(Southern Rhodesia. No. 81.)	

[My LORD,] [SIR,] Downing Street, 5th March, 1924.

[Not to Irish Free State and Southern Rhodesia: WITH reference to my predecessor's telegram of the 6th of March, 1923,*] I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of the Report of the Imperial Wireless Telegraphy Committee, 1924 [Cmd. 2060].

[Not to New Zealand and Irish Free State: 2. Further copies are being sent in Library despatch.]

[2] [3] I also enclose [Not to Irish Free State and Southern Rhodesia: with reference to my predecessor's despatch Dominions No. 139 of 18th April, 1923,†] copy of an extract from *The Times* of the 6th of February containing an announcement by the Government of India with regard to the Indian link in the Imperial Wireless scheme.

I have, &c.,
J. H. THOMAS.

Enclosure in No. 354.

EXTRACT FROM *The Times* OF 6TH FEBRUARY, 1924.

THE IMPERIAL WIRELESS SCHEME.

INDIAN ARRANGEMENTS.

THE High Commissioner for India states that the following *communiqué* was published by the Government in India yesterday:—

The Government of India are prepared to enter into an agreement and to grant licences to private enterprises in India for the establishment and operation of the necessary radio service to provide the Indian link in the Imperial wireless scheme and also commercial radio communication with other parts of the world.

Applications will be accepted up to 1st August next, and successful applicants will be required to register a company in India, at least 60 per cent. of the capital of which must be offered in India. The service required entails the installation of a station capable of conducting high-speed duplex radio communications in two directions simultaneously, together with simultaneous reception from at least three other directions, at a rate of charge which shall not exceed the cable rates from time to time prevailing. Direct communication with the United Kingdom or South Africa on the one hand, and Australia or Canada on the other, must be guaranteed.

The terms of the agreement and the conditions governing the grant of licences may be obtained on application from the Director-General of Posts and Telegraphs, Wireless Branch, Delhi.

Secretariat Note.—Copies of a document containing conditions governing the establishment maintenance and working of a commercial radio service between India and other parts of the world were sent to the Dominions by despatch Dominions No. 260 of the 11th June, 1924. (25278/24.)

* No. 73. † No. 78.

653

11023

No. 355.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.45 a.m., 7th March, 1924.)

TELEGRAM.

7TH MARCH. Confidential. Your telegram of the 26th February.* Imperial Wireless Service. New Zealand Government strongly supports the report and recommendations made by Wireless Committee under the Chairmanship of Mr. Robert Donald.—JELlicoe.

10773

No. 356.

HOUSE OF COMMONS.

(11th March, 1924.)

Wireless Rate, South Africa and Australia.

SIR B. CHADWICK asked the Postmaster-General whether the Government is aware that in the agreement made between the Marconi Company and the Governments of South Africa and Australia it is provided that the wireless telegraph rates are to be at least one-third lower than the cable rates at present prevailing; and whether, in the event of the Post Office conducting these services in this country, he is prepared to give a similar undertaking?

MR. HARTSHORN: The answer to the first part of the Honourable Member's question is in the affirmative. The Post Office is prepared to co-operate in the contemplated reduction, on the understanding that the net wireless rate per word will be equally divided between the station in this country and the station in South Africa or Australia taking part in the communication.

12208

No. 357.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.40 p.m., 13th March, 1924.)

TELEGRAM.

[Answered by No. 362.]

13TH MARCH. Confidential. Your telegram of 26th February,* with special reference to policy outlined in third paragraph of Report of Donald Committee on Imperial Wireless, being only one apparently affecting Canadian interests. My Ministers represent that this policy is satisfactory to the Canadian Government, and its adoption will not necessitate any change in general policy of Canada with regard to Imperial Radio as outlined by the Honourable George P. Graham at the recent Imperial Economic Conference. This policy does not favour the establishment at the moment of State-owned high-power stations in Canada for long distances working with other parts of the Empire or with foreign countries, it being considered that the requirements of Canada can be adequately provided by private enterprise under licence.—BYNG.

12433

No. 358.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4.32 p.m., 14th March, 1924.)

TELEGRAM.

14TH MARCH. Confidential. Your telegram 26th February,* Imperial Wireless Service. Ministers state that when the Union Government entered into agree-

* No. 352.

ment with Marconi Company for the erection of a wireless station in South Africa it was anticipated that Company would obtain licence to erect similar station in England (see Clause 17 of Agreement forwarded under cover of my despatch 13th September, 1922, Confidential*). Representatives of Company here now state that they will be unable to give efficient and remunerative service if not allowed to erect and operate such station, but the Union Government sees no objection to the adoption of the Committee's recommendations provided really prompt and efficient service guaranteed to South Africa and that the best business methods adopted in carrying on the service.—ATHLONE.

14521

No. 359.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.55 a.m., 26th March, 1924.)

TELEGRAM.

[Answered by No. 361.]

26TH MARCH. Confidential. Imperial Wireless. Following from my Prime Minister:—

Begins: Your telegram of 26th February† has now been considered by my Government. While recognizing that the question of how long-distance wireless stations shall be provided in Britain is one of domestic concern for your Government we feel that if the recommendations of the Donald Committee that the Post Office should own all wireless stations in Great Britain in communication with Overseas Dominions is given effect to by your Government, Australia will be placed in the most unfair position.

At the Imperial Conference in 1921 Australia dissented from the resolution approving Norman's scheme and indicated her intention to erect a station capable of direct communication, Mr. Lloyd George undertook that no obstacle would be placed in the way of a reciprocal station being erected and worked in England.

Relying on this undertaking the Australian Government acquired a majority of interest in a private company with which an agreement was signed in March, 1922, under which the Company was to erect a long-distance station in Australia and reciprocal stations in Britain and Canada.

In February, 1923, the Company called for tenders for erection of the station in Australia and required the tenderers to arrange provision and operation of corresponding stations in Britain and Canada.

In March, 1923, Mr. Bonar Law stated in Parliament licence would be granted for erection of wireless station in Britain for communication with the Dominions.

In September, 1923, tender of the Marconi Company for the station above referred to was accepted. In accepting the tender, the Company required a guarantee from the Marconi Company of satisfactory transmission by Australian-British stations with the minimum number of hours per day and number of words per hour and the service to be available for Australian traffic 24 hours per day; money penalty to be provided for failure to render the stipulated service; reduction of rates provided for and equal division of profits to both stations.

Parliamentary Committee, which investigated the question of erection of long-distance wireless station in Australia, advised that action should only be proceeded with if guarantees providing for monetary payment in the event of the stipulated service not being provided were obtained. These as stated were obtained, thus disposing of all technical objections to the system.

If licence is not now granted to the Marconi Company to erect reciprocal stations in Britain, Australia cannot hold the Marconi Company to the contract and Australia will be deprived of the benefits of a most excellent contract which safeguards her interests in every way unless, of course, the British Government is prepared to erect stations and give similar guarantees.

* 49247: not printed.

† No. 352.

A further difficulty arises in that one-half less one share of the shares of the Company are owned by the public and the Government has overwhelming evidence that such shareholders are not prepared to proceed with the scheme if reciprocal station in Britain and reciprocal traffic are to be in the hands of a Government Department. In support of this view they state that they are not content to rely on the efficiency of a Government-owned and controlled station.

While my Government expresses no views on this contention it has to be admitted that private individuals having invested their money in the Company are entitled to protest against that Company entering into reciprocal arrangements (upon which return of their money will to a great extent depend) with a partner in whose efficiency and competency they do not believe.

This means that the amalgamated Company could only enter into arrangements with the British Government by the Australian Government exercising its controlling voting power which only amounts to one share to force the remaining shareholders to accept a course to which they are opposed. I doubt whether the legality of such action could be maintained; morally it appears to be quite improper.

My Government also is in some difficulty in understanding why if private enterprise is entitled to receive licence to establish communication with a foreign country such as the Argentine a Dominion such as Australia should be placed in what is regarded as a less favourable position.

In view of the fact that Australia has been led into her present position by the action of the British Government; that we have obtained a most favourable contract with guarantees for the erection of Australian-British station; that our partner shareholder in the amalgamated Company will not agree to an arrangement for reciprocal relations with a Government-owned station; and that service to foreign countries can be arranged on basis we desire, while Australia is precluded from establishing such service; my Government asks that you should reconsider the position and should grant a licence to the Marconi Company to erect our reciprocal station in Britain so as to enable the arrangements we have already entered into to be completed.

In the event of your Government not being able to agree to this would they as a way out of the difficulty issue a licence to Australia to erect a station leaving it in this Government's hands to determine by whom that station shall be erected and subject to the Government's control how it shall be operated. *Ends.*

—GOVERNOR-GENERAL.

Enclosed in 17301

No. 360.

THE VICEROY, DEPARTMENT OF INDUSTRIES AND LABOUR, DELHI,
to THE SECRETARY OF STATE FOR INDIA, 27TH MARCH, 1924.

(Received in Colonial Office, 10th April, 1924.)

TELEGRAM.

53PT/23. Continuation of our telegram dated 19th March, Imperial Wireless Telegraph Committee of 1924. We have now had the advantage of perusing the Committee's Report. In our view it is entirely for His Majesty's Government to decide whether it should own the wireless stations in Great Britain or entrust them, in the whole or in part, to private enterprise. But there are two main points which concern us: first, we are much concerned to see that when our own station is in working order we shall not be held up by the inadequate reciprocating arrangements in Great Britain.

We should welcome the prospect of an early solution being found of the difficulties which have so long delayed wireless development in Great Britain, and have examined the Committee's proposals mainly with the object of satisfying ourselves that they provide adequate services for India and the Dominions. We contemplate that our arrangements involve a reciprocating station in Great Britain from which a high-speed duplex service must be forthcoming, for at least twenty hours daily in

the first instance, and we believe that Australia and South Africa have both stipulated for similar services for eighteen hours daily. There is also New Zealand to be taken into account. We observe that the negotiations between the Marconi Company and the General Post Office proceed on the basis that, in addition to the Leaffield and new Rugby stations it will be necessary also for the Marconi Company to erect two stations in Great Britain. The Committee propose that Leaffield should be modernised and its capacity increased, and that the capacity of Rugby station should be also enlarged, and a third world-power station should be erected. If His Majesty's Government accepts the proposals as sufficient for all the traffic requirements with the Empire countries other than Canada, as indicated above, we should be satisfied.

Secondly, we are, however, seriously concerned lest, in the event of the Committee's proposals being accepted by His Majesty's Government, no company will tender for the erection and working of our high-power station. This result would be most regrettable and would possibly postpone indefinitely development of wireless communication. It might be impossible both for financial and technical reasons, and would, in any case, be most embarrassing to us if we were compelled to erect and work our own station. We have always favoured, and continue to favour, the erection and working of Indian stations by private enterprise, and our proposal contemplates Indian company arranging for necessary reciprocating station in England, as specified in clause 6 (b) (iii), page 5, of our conditions. We do not conceal from ourselves the fact that our company will almost certainly be an offshoot of the Marconi Company, and have throughout been anxious to avoid all difficulties with regard to patents and royalties and have adequately safeguarded ourselves in this respect in our proposed arrangements. We feel some doubt whether these safeguards will be adaptable to an organization by which reciprocating stations in the United Kingdom will be owned and worked by the General Post Office. For these reasons, we must ask that, if the Committee's proposals are accepted, the General Post Office will give every possible facility to our company to work in with them.

16950

No. 361.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 9.20 p.m., 10th April, 1924.)

TELEGRAM.

CONFIDENTIAL. My despatch 5th of March, Dominions No. 97.*

Your telegram of 26th March,† Empire Wireless. Would assure you that His Majesty's Government have no wish to place Australia or any other Dominion in an unfair position. On the contrary they wish to meet their views to the fullest possible extent consistent with what they believe is the best solution of this important Empire problem.

They cannot agree that Commonwealth Government, in concluding its agreement with Amalgamated Wireless Company, has been misled by the action of His Majesty's Government. At that time the policy of His Majesty's Government was State-ownership of all stations in this country for Empire communications. Government have no knowledge of any undertaking direct or indirect that Marconi Company would be licensed to erect a reciprocal station in this country. On the contrary, your Government were officially informed by telegram of 19th December, 1921,‡ in connexion with their proposed agreement with the Amalgamated Company, that the policy here was to maintain Imperial wireless communication in the hands of the State and that His Majesty's Government would be considerably embarrassed by an application from a private company for the erection of a station in this country for communication with Australia. This policy was again emphasized in telegram of the 17th July, 1922.§

Commonwealth Government state that they have some difficulty in understanding why private enterprise should be licensed to establish communication with a foreign country such as the Argentine and not with the Dominions. His Majesty's

* No. 354. † No. 359. ‡ No. 352 in Dominions No. 73. § No. 92 in Dominions No. 83.

Government, however, regard Empire wireless communications in an entirely different light from those with foreign countries. The same reasons which actuated His Majesty's Government in securing a State-owned cable with Canada and in joining with partner Governments to secure a State-owned cable between Canada and Australia actuate His Majesty's Government in wireless policy.

These reasons do not apply to communication with foreign countries. For the same reasons His Majesty's Government, having considered the Report of the Imperial Wireless Telegraphy Committee, favour the adoption of Recommendation One of that Report without making the exception in the case of the Canadian service suggested as an alternative in Recommendation Three. A Cabinet Committee has been authorized to negotiate with representatives of the Marconi Company here as regards Empire intercommunication on the above basis with the understanding, of course, that the State-owned stations here will be prepared to provide efficient service with any stations to be erected in the Dominions. Committee will probably meet representatives 14th of April.

His Majesty's Government do not share the doubts expressed in the telegram under reply as to the efficiency of the Government stations in this country, and they would point out that there is no evidence whatever that stations provided by private enterprise are likely to be more efficient. The licensing of a private company in this country to conduct the Australian service would be contrary to the above scheme and the alternative suggested in your telegram of licensing the Commonwealth Government to provide a station here does not remove this difficulty as it is felt that in effect it would be equivalent to licensing the Marconi Company. His Majesty's Government therefore regret that they are unable to meet the views expressed by your Government and to depart in this respect from the recommendations of the Donald Report.—THOMAS.

16950

No. 362.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 9.20 p.m., 10th April, 1924.)

TELEGRAM.

[Answered by No. 371.]

CONFIDENTIAL. 10th April. My telegram 26th February, my despatch 5th March, Dominions No. 97, your telegram 13th March.* His Majesty's Government have now considered Report of Imperial Wireless Telegraphy Committee, 1924, and favour adoption of Recommendation One, without the exception in the case of the Canadian Service suggested as an alternative in Recommendation Three. It is presumed that in view of Mr. Graham's statements at the Imperial Economic Conference (see pages 375 and 387 of Record of Proceedings—Cmd. 2009) your Ministers will be content that wireless communication between this country and Canada shall, as was proposed at the time of that Conference, be carried out, as far as this country is concerned, by means of Government stations. A Cabinet Committee has been authorized to negotiate with representatives of the Marconi Company here as regards Empire intercommunication on the above basis with the understanding, of course, that the State-owned stations in this country will be prepared to provide efficient service with any stations to be erected in Dominions. Committee will probably meet representatives 14th of April.—THOMAS.

16950

No. 363.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 10.10 p.m., 10th April, 1924.)

TELEGRAM.

(Union of South Africa.)

(New Zealand.)

CONFIDENTIAL. 10th April. My telegram 26th February.† Empire Wireless. His Majesty's Government have now considered Report of Imperial Wireless

* Nos. 352, 354 and 357. † No. 352.

Telegraphy Committee, 1924 (Donald Committee), and favour adoption of Recommendation One, without the exception in the case of the Canadian service suggested as an alternative in Recommendation Three.

A Cabinet Committee has been authorized to negotiate with representatives of the Marconi Company in this country as regards Empire intercommunication on the above basis with the understanding, of course, that the State-owned stations here will be prepared to provide efficient service with any stations to be erected in the Dominions.—THOMAS.

20682

No. 364.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 3.50 p.m., 1st May, 1924.)

TELEGRAM.

[Answered by Nos. 365, 366, 367, 371, and 373.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

1ST MAY. Confidential. My telegram 10th April.* Wireless. At Conference with Cabinet Committee, 14th April, Marconi suggested reconsideration of His Majesty's Government's proposals in view of progress made with his experiments in transmission by means of short waves and reflectors.

This system, which is still in experimental stage, has been examined by Government experts. It depends partly on use of short waves of about 100 metres which experimenters generally have found to give good results in long-range transmission during hours of darkness, and partly on use of reflecting aerials for transmitting waves on principle of parabolic reflectors used for searchlights. A similar reflector is proposed for focussing received waves. Precise effect of reflectors, which are the only contribution of Marconi Company beyond common practice, has not been investigated except between this country and Cape Verde, a distance of about 2,500 miles. In that case reception of signals was possible not only during darkness, but also for about an hour before sunset and an hour after sunrise. Judging from these results and from theoretical considerations, estimated that stations of new type with power of 25 kilowatts and costing about £20,000 each would give communication averaging 15 hours a day between this country and Canada, eleven hours a day between this country and South Africa and India, and five to seven hours a day between this country and Australia, according as Australian Station was in East or West. Latter period might be increased to some extent by transmission through an intermediate station. Hours, being dependent on altitude of sun, would be shorter during English summer and longer during English winter. It is claimed that during best hours speed of 100 words per minute might be obtained.

It must be clearly understood that number of hours cannot be materially increased by increase of power or otherwise, and that direction of transmission from same station is practically fixed. Communication being confined to hours outside ordinary business day stations of new type would only be suitable for deferred traffic. For long-distance communication at all hours, and for simultaneous transmission in all directions, these stations would be useless and super-stations of type hitherto contemplated would be necessary.

From a strategical point of view new system fails in three respects.

Firstly, it is necessary that each Government concerned should be able to convey important orders or information without delay to fleets, armies or aircraft. The partial service of the new system does not fulfil this condition.

Secondly, broadcasting is necessary to ships, and it may be desired to transmit to all ships simultaneously in all waters.

Thirdly, new system appears peculiarly susceptible to deliberate interference by reflector stations set up on the line of communication and so placed as not to interfere with the interferer's own communications.

* Nos. 361, 362, 363.

This could be done at small cost and might result in the paralysing of our wireless telegraph communication in war-time if this system were to be solely—relied on.

Deliberate interference with high-power long-wave stations is a matter of great cost, and cannot be done without interfering with the interferer's own communications.

His Majesty's Government, considering super-station communication essential, has decided so far as this country is concerned, to complete Rugby Station and enlarge Leafield as proposed by Donald Committee, but will postpone commencement of second Rugby Station pending consideration of new proposals by Governments of Dominions concerned and India.

Government experts consider that stations of new type could not be erected and fully tested for communication between England and distant Dominions under conditions of various seasons in less than about two years.

[Not to Canada: If your Government desire to try station of new type His Majesty's Government will reciprocate by arranging for corresponding station here.]

Marconi Company have asked for licence to erect and work such a station, at least for limited period, but instead of granting this, His Majesty's Government would give order to Company to erect such a station, as contractors for Government, station to fulfil certain specified requirements as to hours and speed of working and other matters within limits mentioned above, and only to be accepted and paid for if these requirements fulfilled.

Generally speaking, new type of station seems useful as auxiliary only to super-stations but not as substitute for them, and, if Governments of Dominions concerned and India take this view and arrange for erection of super-stations, second Rugby Station will be built here as proposed by Donald Committee.

Company admit that they are committed to erection of super-station in South Africa, but hope Union Government will agree to substitution of short-wave directive station. They do not consider themselves committed in case of Australia, because, although they have tendered for super-station and tender has been accepted by Australian Company, agreement has not been signed by Marconi Company.

As regards Canada, His Majesty's Government propose to take over service at this end by means of enlarged Leafield or station of new type according to whether Canadian Company continue to use Glace Bay or erect station of new type.

[Not to Canada: His Majesty's Government hope to receive very early telegraphic reply conveying views of your Government, but they] [To Canada: His Majesty's Government] To all: would ask that matter should be kept confidential for the present since no announcement made here yet or intimation of position given to Marconi.—THOMAS.

21954

No. 365.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.5 a.m., 8th May, 1924.)

TELEGRAM.

8TH MAY. Confidential. Your telegram 1st May.* Wireless. In the opinion of my Ministers the proposed reflection system would not meet the requirements of New Zealand.—JELlicoe.

23176

No. 366.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.35 a.m., 15th May, 1924.)

TELEGRAM.

15TH MAY. Prime Minister advises that Government has fully considered your telegram of the 1st May.* Wireless. The information contained therein is of such a revolutionary character that Commonwealth Government is not prepared

* No. 364.

to take any definite action with regard to direct wireless communication until it has further information before it as to what the effect of new system is going to be upon long-distance communication and in particular whether it is possible high-power long-distance stations as contemplated up to the present are going to be proved unnecessary.—FORSTER.

23430

No. 367.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.50 p.m., 15th May, 1924.)

TELEGRAM.

15TH MAY. Confidential. Your telegram of 1st May.* Confidential. Wireless. Ministers state that whilst they are not satisfied that the proposed new scheme would fully and effectually carry out Union Government requirements in regard to a long-distance wireless station in South Africa they would prefer to reserve their decision in the matter until Doctor H. J. van der Byl, the Union Government scientific expert, who will be in London about the middle of June, has had an opportunity of consulting with His Majesty's Governments' experts and Marconi Company and discussing this matter with the Union's Postmaster-General, who will also be in England.—ATHLONE.

24838

No. 368.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.25 a.m., 24th May, 1924.)

TELEGRAM.

[Answered by Nos. 369 and 370.]

24TH MAY. Wireless. Prime Minister asks me to inform you that he presumes that there is no objection to his giving publicity to technical details contained in your telegram 1st May.* Confidential.—GOVERNOR-GENERAL.

24838

No. 369.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.20 p.m., 26th May, 1924.)

TELEGRAM.

Your telegram 24th May,† Wireless. Am consulting Postmaster-General and will reply as soon as possible. In meantime should be glad if publicity technical details could be deferred.—SECRETARY OF STATE FOR THE COLONIES.

24838

No. 370.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.20 p.m., 30th May, 1924.)

TELEGRAM.

CONFIDENTIAL. Your telegram 24th May, my telegram 26th May.‡ Wireless. Postmaster-General considers that publication of any of the information

* No. 364. † No. 368. ‡ Nos. 368 and 369.

contained in my Confidential telegram 1st of May* inadvisable at present, and that announcement of result of negotiations with Marconi Company, when eventually made, should be made simultaneously here and in Dominions concerned, and should contain comprehensive information as to negotiations. So far he has intimated in House of Commons his inability to make announcement or to publish correspondence with Dominion Governments and has stated that latter could not in any case be published without consent of Dominion Governments concerned.—SECRETARY OF STATE FOR THE COLONIES.

29036

No. 371.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.5 p.m., 17th June, 1924.)

TELEGRAM.

[Answered by No. 372.]

17TH JUNE. Confidential. Your telegram of 10th April, your telegram of 1st May.† Proposal(s) of His Majesty's Government in regard to establishment of high-power State-owned station in England and proposed cancellation of existing arrangements under which Marconi station in Canada communicates with corresponding licensed Marconi station in England. My Ministers represent that subject matter of telegrams alluded to has received the careful consideration of the appropriate authorities of the Dominion Government. It has also been discussed with the interests likely to be affected as a result of which the Canadian Marconi Company have made most urgent representations to the Dominion Government advising *inter alia* that "if the Canadian Government should amend our licence in such a manner as to compel our traffic to be routed via State-owned stations in England we would have to make entirely new arrangements to finance our programme of construction. Our present financial arrangements have been made with the support of our English affiliated company and obviously this support would be withdrawn if we were not going to operate proposed station as part of the system of our affiliated company. We would thus be obliged to seek necessary funds from other sources. If this became necessary we would not be in a position to give the Canadian Government any assurance that we would be able to proceed with our programme. In fact it is by no means impossible that it would have to be abandoned owing to our inability to secure the money required." Under the original arrangements between the Canadian Marconi Company and its English affiliated company the latter were to finance the two stations the Canadian Company were licensed to install and operate at Montreal and Vancouver respectively. It is not the intention of the Canadian Government to establish State-owned high-power station in Canada at the present time and it would accordingly appear that should the proposal(s) outlined in your telegram of 10th April and repeated in the last two paragraphs of your telegram of 1st May be carried into effect Canada will lose any commercial benefits that might have resulted from the establishment of the high-power station proposed by the Canadian Marconi Company.—BYNG.

30489

No. 372.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.5 p.m., 30th June, 1924.)

TELEGRAM.

30TH JUNE. Confidential. Your telegram 17th of June.‡ Imperial Wireless. Marconi Company have now sent letter to Postmaster-General stating that they accept without reservation decision of His Majesty's Government that

* No. 364. † Nos. 362 and 364. ‡ No. 371.

ownership and operation of all stations in this country for communication with Empire, including Canada, must be in Government hands and that they will co-operate in every way Government may desire in operation of services in Dominions. They had previously stated that they were not committed to erection of super stations in Dominions except South Africa, and that in view of results of experiments with beam system they would not be justified in contemplating erection of any more super stations. They have also intimated in another letter that their Canadian Company will proceed immediately to erect beam stations in Canada and have agreed, on certain conditions, to erect corresponding stations in this country for His Majesty's Government for communication with Canadian Company's stations. Conditions now under discussion but no serious difficulty anticipated in effecting solution on these lines.—THOMAS.

31662

No. 373.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.10 p.m., 4th July, 1924.)

TELEGRAM.

[Answered by No. 384.]

4TH JULY. Confidential. Your telegram of 1st May, Confidential, and my telegram of 15th May, Confidential.* Wireless. Ministers have now decided to allow South African Wireless Telegraph Company an extension of six months in the contract time for the erection of long distance South African Station in order that the Company may put up and test a station of a new type. They have at this stage not yet decided to adopt the beam system for the South African Station as they intend to await the result of the experiment, but they will be glad to accept the offer of His Majesty's Government to erect a corresponding beam station in England in order that the system may be thoroughly tested.—ATHLONE.

32517

No. 374.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent [8.40 p.m., 7th July,] [6.15 p.m., 10th July,] [7.5 p.m., 21st July,] 1924.)

TELEGRAM.

[Answered by Nos. 376 and 379.]

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

CONFIDENTIAL. Your telegram of [15th May,†] [8th May,‡] [4th July,§] Imperial Wireless. Marconi Company have now sent letter to Postmaster-General stating that they accept without reservation decision of His Majesty's Government that ownership and operation of all stations in this country for communication with Empire, including Canada, must be in Government hands and that they will co-operate in every way Government may desire in operation of services in Dominions. They have also intimated in another letter that Canadian Marconi Company will proceed immediately to erect beam stations in Canada, and His Majesty's Government will accordingly give order to Marconi Company here as Contractors to erect beam station in this country for communication with Canada capable of extension later if desired so as to provide communication with Australia, South Africa and India. Station will be erected by Company at cost price plus 5 per cent. establishment charges and 10 per cent. profit, and Company undertake that cost of complete installation for sending and receiving to and from Canada, excluding cost of site, will not exceed £58,000. Maximum cost of each additional unit will be about £36,000. Government have agreed to pay royalty of 6½ per cent. on gross income accruing to station so long as valid Marconi patents are used

* Nos. 364 and 367. † No. 366. ‡ No. 365. § No. 373.

in station. Company guarantee speed of 100 words per minute each way, exclusive of repetitions necessary to ensure accuracy, for average hours daily throughout year as follows: Canada 18, Australia 7, South Africa 11, India 12, and stations are not to be accepted and paid for unless this guarantee is fulfilled. As explained in my telegram of 1st May,* hours of working will be shorter during English summer than during English winter.

Although His Majesty's Government are making these arrangements with Company they have in no way changed their view that beam stations will be useful as auxiliary only to super stations and not as substitute for them. As stated in my telegram of 1st May, super stations will still be necessary for long distance communication at all hours and simultaneous transmission in all directions, and further investigation has only confirmed strategical objections expressed in that telegram to sole reliance on new system.

[Commonwealth of Australia only: His Majesty's Government would be glad to know decision of your Government in matter at early date. They propose to make a public announcement on the above lines on 16th July adding such information as may then be available as to decision of Dominions.]

[To New Zealand only: His Majesty's Government propose to make a public announcement on the above lines on 16th July, adding, unless your Ministers see any objection, that New Zealand Government as at present advised do not consider that the proposed beam system would meet the requirements of New Zealand.

[To Union of South Africa only: His Majesty's Government propose to make a public announcement on the above lines on 23rd July, adding such information as is available as to attitude of Dominions. Will reply further as soon as possible to your telegram of 4th July.†]—THOMAS.

32517

No. 375.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.50 p.m., 10th July, 1924.)

TELEGRAM.

[Answered by No. 380.]

10TH JULY. Confidential. My telegram 30th June.‡ Imperial Wireless. Proposed conditions for erection of beam station in this country for communication with Canada capable of extension later if desired so as to provide communication with Australia, South Africa and India are as follows:—Station will be erected by Company at cost price plus 5 per cent. establishment charges and 10 per cent. profit, and Company undertake that cost of complete installation for sending and receiving to and from Canada, excluding cost of site, will not exceed £58,000. Maximum cost of each additional unit will be about £36,000. His Majesty's Government have agreed to pay royalty of 6½ per cent. on gross income accruing to station so long as valid Marconi patents are used in station. Company guarantee speed of 100 words per minute each way exclusive of repetitions necessary to ensure accuracy for average hours daily throughout year as follows: Canada 18, Australia 7, South Africa 11, India 12, and stations are not to be accepted and paid for unless this guarantee is fulfilled. As explained in my telegram of 1st May,‡ hours of working will be shorter during English summer than during English winter.

Although His Majesty's Government are making these arrangements with Company they have in no way changed their view that beam stations will be useful as auxiliary only to super stations and not as substitute for them. As stated in my telegram of 1st May super stations will still be necessary for long distance communication at all hours and simultaneous transmission in all directions, and further investigation has only confirmed strategical objections expressed in that telegram to sole reliance on new system.

His Majesty's Government propose to make on the 16th of July a public announcement on the above lines and on lines of the first and third sentences of my telegram of 30th June.†—THOMAS.

* No. 364. † No. 373. ‡ No. 372.

33261

No. 376.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.10 a.m., 12th July, 1924.)

TELEGRAM.

[Answered by No. 381.]

12TH JULY. Your telegram of 7th July.* Imperial Wireless. My Government has carefully considered the position in the light of your communication, and has decided to proceed at once with the erection of stations for beam transmission. Information supplied by you with regard to operating guarantees and period of effective communication leads us to believe that the beam method will amply fulfil Australian requirements at a greatly reduced cost. Should, however, the beam system not prove adequate, and should the progress, which recent events indicate will be made, not take place, we can give further consideration to the question of the super station.

This decision on the part of the Government, of course, opens up the whole question of our agreement with the Amalgamated Wireless Company. Undoubtedly the simplest and most satisfactory course for us would be for your Government to grant a licence to the Company to erect and operate its own reciprocal station in Britain. We could then arrange effective guarantees direct with that Company. Failing this the Commonwealth Government would be prepared itself to construct and operate the station in Britain.

Should, however, your Government adhere to its decision to retain the ownership and operation of all the stations in Great Britain in Government's hands it will be essential for the provision of efficient service for us to obtain from you certain guarantees which in other circumstances the Company was prepared to give.

We note from your telegram the guarantees furnished by Marconi with respect to the construction and efficiency of the stations in Britain, namely, speed of one hundred words per minute exclusive of repetition for an average of seven hours daily throughout the year. These are perfectly clear and satisfactory, but no mention is made of guarantee in respect to charges. You will recollect that under clause 5, paragraph D, of original agreement with amalgamated Company charges were guaranteed not to exceed: full rate message, two shillings per word; deferred message, one shilling (minimum ten shillings per message); Government message, one shilling; press message, fivepence; deferred press, threepence. Now that Company finds itself unable to obtain licence to construct and operate reciprocal stations in Britain or arrange with Marconi to do so, they ask to be relieved of all obligations under their agreement with respect to Great Britain and Canada and in return guarantee to transmit and receive messages to and from Australia and United Kingdom for no more than half of respective amount scheduled above. If your Government now intends to assume full control in Britain it is necessary for us to know whether you are prepared to guarantee transmission and reception of messages at your end for same as the rate the Company is prepared to guarantee at this end, viz., not more than half the original schedule. This you will readily agree is a very vital matter to us.

Furthermore, as efficiency of Australian Service is dependent upon the efficiency and method of control of English station as well as upon that of Australian station we consider it most desirable that amalgamated Company, in which Commonwealth Government has majority of interest, should be represented on whatever Board or authority controls operation of reciprocal station in Britain. Your telegram states that the Government is proceeding through Marconi to erect station for communication with Canada, capable of extension later if desired so as to provide communication with Australia, South Africa and India. We shall be glad to know immediately if erection of station suitable for communication with Australia can be proceeded with immediately and when the same will be completed. As the Government must bring the suggested amendment to the agreement before Parliament at an early date, shall be glad of immediate cabled advice on the points mentioned.—GOVERNOR-GENERAL.

* No. 374.

33261

No. 377.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.45 p.m., 15th July, 1924.)

TELEGRAM.

CONFIDENTIAL. My telegram 7th July,* Imperial Wireless. Proposed public announcement here postponed until 23rd July. Should be glad if any contemplated announcement in Australia could be similarly postponed. Reply to your telegram 12th July† will be sent at earliest possible moment.—THOMAS.

33261

No. 378.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 12.45 p.m., 15th July, 1924.)

TELEGRAM.

[Answered by No. 380.]

(Canada.)
(New Zealand.)

CONFIDENTIAL. My telegram 10th July.‡ Imperial Wireless. Proposed public announcement here postponed until 23rd July. Should be glad if your Ministers would also postpone any contemplated announcement.—THOMAS.

34040

No. 379.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.5 a.m., 17th July, 1924.)

TELEGRAM.

17TH JULY. Confidential. Imperial Wireless. My Ministers have no objection to inclusion in the proposed public announcement of the statement suggested in the last paragraph of your telegram of 10th July.*—JELICOE.

34339

No. 380.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.0 p.m., 18th July, 1924.)

TELEGRAM.

CONFIDENTIAL. 18th July. Your telegram of 10th July and your telegram of 15th July, Confidential.§ Dominion Government notes with pleasure that arrangements have been completed for the establishment of short-wave radio beam transatlantic service between Great Britain and Canada, and it is proposed to announce the same to the Canadian press simultaneously with the British Government's announcement on 23rd July.

Canadian Marconi Company has not yet applied for licence to establish beam station(s) in Canada. Existing licence covers high-power station(s) only. Dominion Government will, however, have no objection to the issue of licence for beam station(s) to communicate with the British Government's station(s) in England as soon as such application is received.—BYNG.

* No. 374. † No. 376. ‡ Nos. 375 and 374. § Nos. 375 and 378.

34813

No. 381.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 8.40 p.m., 22nd July, 1924.)

TELEGRAM.

YOUR telegram of 12th July.* Imperial Wireless. His Majesty's Government, while noting decision of Commonwealth Government to proceed at once with erection of beam station, feel bound to draw attention again to deficiencies of beam system from strategic point of view. They also had not gathered previously that an average of seven hours' communication daily was regarded as amply fulfilling Australian requirements. They realise, however, that decision is one for Commonwealth Government.

As regards station in this country, they adhere to decision that all stations in Great Britain for Empire communication must be owned and worked by His Majesty's Government.

It is provided in draft Agreement with Marconi Company respecting beam stations that rates of charge to the public for communication between this country and other parts of Empire, exclusive of Canada, shall not be greater than two-thirds of cable rates at present in force. It is further provided that Postmaster-General shall, after consultation with Company, fix such rates of charge as shall, in his opinion, be calculated to attract the largest possible volume of traffic with due regard to economic considerations.

In fixing rates of charge Postmaster-General would propose to consult with Dominions concerned as well as with Marconi Company. It has been suggested that there should be an Advisory Board to consider questions of this kind and details of working, and if so, the Postmaster-General would hope that the Commonwealth Government would be represented upon it through a representative of the Amalgamated Company. It is Postmaster-General's intention that the terminal charges of each Administration would first be deducted and the balance would then be divided equally between the terminal stations involved.

Erection of beam station for communication with Australia would be proceeded with immediately site is obtained, and Postmaster-General understands from Company that it could be completed in from six to nine months. Post Office and Company's Engineers now engaged in selecting site.—THOMAS

35139

No. 382.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.	} Dominions No. 353.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Irish Free State.	
(Newfoundland.	
(Southern Rhodesia. No. 295.)	

[MY LORD,] [SIR,]

Downing Street, 31st July, 1924.

WITH reference to my despatch [To all except Irish Free State and Southern Rhodesia: Dominions No. 97 of the 5th of March,† and connected correspondence,] [To Irish Free State: Dominions No. 97 of the 5th of March,†] [To Southern Rhodesia: No. 81 of the 5th of March,†] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copies of the Official Report of the proceedings in the House of Commons on the 23rd of July, containing a statement by the Postmaster-General respecting the Imperial Wireless Service (Cols. 1318-1322).

I have, &c.,

J. H. THOMAS.

* No. 376.

† No. 354.

Enclosure in No. 382.

HOUSE OF COMMONS, 23RD JULY, 1924.

IMPERIAL WIRELESS SERVICE.

GOVERNMENT DECISION.

Postmaster-General's Statement.

SIR LAMING WORTHINGTON-EVANS (by Private Notice) asked the Postmaster-General whether the Government has yet come to a decision on the recommendations of the Donald Committee, and what steps have been taken to establish an Imperial wireless service?

MR. HARTSHORN: The Government have decided to adopt the main recommendations of the Donald Committee in regard to the Empire wireless service, which were as follows:—

(1) That the State, through the Post Office, should own all wireless stations in Great Britain for communication with the Overseas Dominions, Colonies, Protectorates and Territories; and

(2) That the Post Office should operate directly, under an improved business organization, all the Empire stations in Great Britain.

In the meantime, the Marconi Company have put forward proposals respecting the use of short-wave directive stations (the so-called "beam" stations) for communication between this country and the Dominions and India, and they have made definite arrangements for the erection of a beam station in Canada for communication with this country. The Government are prepared to co-operate in the trial of this new system, and in the course of a few days an agreement will be submitted for the approval of the House of Commons whereby the Marconi Company will erect, as contractors, a beam station here, adapted for communication with Canada, and capable of extension so as to provide for beam communication with South Africa, India and Australia, the station to be completed within 26 weeks of the site being placed at the company's disposal. It is a condition of the contract that the installations shall only be accepted and paid for by the Government if they fulfil certain minimum guarantees, which are as follows:—

Communication at 100 five-letter words per minute (exclusive of any repetitions necessary to ensure accuracy) for the following average number of hours daily throughout the year:—

	Hours.
Between Great Britain and Canada	18
Between Great Britain and South Africa	11
Between Great Britain and India	12
Between Great Britain and Australia	7

Communication is only possible when the average altitude of the sun between the terminal points is below a certain maximum—in other words, communication can only take place during the hours of darkness and during one or two hours before and after twilight.

The hours of communication being outside the ordinary business day, stations of this type will as a rule only be suitable for deferred traffic. For long distance communication at all hours, and for simultaneous long distance transmission in all directions at all hours (conditions which the Government regard as essential both for strategic and for other reasons), high-power stations of the type of that being erected at Rugby will still be necessary.

The Government have been in communication with the Dominions and India on the subject. The Governments of India and New Zealand have stated that a station of the new type will not meet their requirements, and the Government of India are awaiting replies to an invitation which they have issued for the formation of an Indian company to erect high-power stations in India. The Governments of Australia and South Africa have not reached a final decision, but I understand they are disposed to allow beam stations to be erected in Australia and South Africa for communication with this country in order to give the new system a trial. His Majesty's Government have undertaken, in the event of these stations being erected, to provide corresponding installations in this country as extensions of the station to be used for the Canadian service. The Marconi Company have agreed to co-operate whether the decision of the Dominions is in favour of beam stations or high-power stations. It is at present proposed to extend the Rugby station from

12 to 16 masts, as recommended in the Donald Report, but this decision will be subject to reconsideration if, in view of policy adopted by the Dominions, the extension should prove to be unnecessary.

The question of an improved business organization for the working of the stations in this country is being considered by a further Committee under the Chairmanship of Sir Robert Donald. This Committee is expected to report very shortly.

37058

No. 383.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNORS.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.
(Southern Rhodesia. No. 323.)

Dominions No. 381.)

[MY LORD,] [SIR,]

Downing Street, 13th August, 1924.

WITH reference to my despatch [Dominions No. 353 of 31st July,*] [No. 295 of 31st July,*] I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of the Contract† with the Marconi Company for the erection of "Beam" Wireless Stations, together with a report‡ of the proceedings in the House of Commons on the 1st August at which the Contract was discussed and approved. (Cols. 2472-2487.)

I have, &c.,
(for the Secretary of State).
ARNOLD.

37535

No. 384.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.25 p.m., 16th August, 1924.)

TELEGRAM.

[Answered by No. 387.]

16TH AUGUST. Confidential. Your telegram 4th July.‡ Wireless. His Majesty's Government would be glad to learn whether Union Government propose to accept beam station in lieu of high-power station, assuming that guarantees mentioned in my telegram 21st July§ are fulfilled. As stated in that telegram, present information indicates that only a high-power station is capable of long distance communication at all hours and simultaneous transmission in all directions, and it would not appear that one beam station in Union of South Africa could fulfil all requirements of Union Government as embodied in agreements with Marconi Company. His Majesty's Government hope that your Ministers will consider question of proceeding with erection of a high-power station whatever their decision may be in regard to beam stations.

If Union Government adhere to arrangements for testing beam station His Majesty's Government, on hearing to that effect, will make earliest possible arrangements for selection of site, etc., for erection of corresponding station here.—
SECRETARY OF STATE FOR THE COLONIES.

* No. 382. † Not printed here. House of Commons Paper No. 143 of 1924. ‡ No. 373.
§ No. 374.

37866

No. 385.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by No. 393.]

(Canada. Confidential (2).)
(Irish Free State. Confidential.)
(Newfoundland. Confidential (2).)

[MY LORD,] [SIR,]

Downing Street, 25th August, 1924.

WITH reference to my despatch Dominions No. 97 of the 5th of March,* I have the honour to request [Your Excellency] [you] to inform your Ministers that, in accordance with recommendation 10 on page 20 of the report of the Imperial Wireless Telegraphy Committee, 1924 (Cmd. 2060), copies of which were enclosed in my despatch under reference, the question of a wireless system for the Colonies has been under the consideration of the Imperial Communications Committee. I enclose, for the information of your Ministers, a copy of an interim report† on the subject by the Wireless Sub-Committee of that Committee, together with a covering note‡ by the Chairman of the Sub-Committee.

2. The financial arrangements involved in the scheme proposed in the Sub-Committee's report are receiving the further consideration of His Majesty's Government.

3. Similar despatches are being addressed to the [Governor-General of the Irish Free State and the Governor of Newfoundland,] [Governor-General of Canada and the Governor of Newfoundland,] [Governors-General of Canada and the Irish Free State,] and separate despatches are being sent to the Governors-General of the Commonwealth of Australia, New Zealand and the Union of South Africa, as certain portions of the report are of special concern to those Dominions.

I have, &c.,
(for the Secretary of State).
HENRY LAMBERT.

37866

No. 386.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Commonwealth of Australia. Confidential (2).)
(New Zealand. Confidential (2).)

MY LORD,

Downing Street, 25th August, 1924.

WITH reference to my despatch Dominions No. 97 of the 5th of March,* I have the honour to request Your Excellency to inform your Ministers that, in accordance with recommendation 10 on page 20 of the report of the Imperial Wireless Telegraphy Committee, 1924 (Cmd. 2060), copies of which were enclosed in my despatch under reference, the question of a wireless system for the Colonies has been under the consideration of the Imperial Communications Committee. I enclose, for the information of your Ministers, a copy of an interim report† on the subject by the Wireless Sub-Committee of that Committee, together with a covering note‡ by the Chairman of the Sub-Committee.

2. The financial arrangements involved in the scheme proposed in the Sub-Committee's report are receiving the further consideration of His Majesty's Government; but your Ministers will observe from paragraph 1 (ii) of the report that the recommendations as regards wireless communications in Southern and Western Pacific waters are based [to Commonwealth only: on the assumption that the Commonwealth Government will be prepared to modernise their stations at Perth, Port Darwin, Rabaul and Townsville, and to link them up with the stations in New Guinea, New Ireland, Admiralty Island, Bougainville, and Nauru.] [To New Zealand only: on the assumption that the New Zealand Government will be prepared to modernize their stations at Awanui and Apia and to link them up with the stations at Rarotonga and Chatham Islands. It will be remembered that the development of these stations forms the subject of the correspondence ending with your Secret despatch of the 28th April.‡]

* No. 354. † Not printed here: see Committee of Imperial Defence Paper, No. 232C.
‡ No. 25023 in Dominions No. 92.

[To Commonwealth only: 3. I should be glad to learn, if possible by telegraph, whether this assumption may be taken as correct.]

[3.] [4.] A similar despatch is being addressed to the Governor-General of [New Zealand.] [the Commonwealth of Australia.]

I have, &c.,
(for the Secretary of State),
HENRY LAMBERT.

40913

No. 387.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.25 p.m., 26th August, 1924.)

TELEGRAM.

CONFIDENTIAL. 26th August. Your telegram of 16th August.* Wireless. Ministers state that they have fully in view the point(s) made in your telegrams of 21st July and 1st May.† Position is that they cannot decide finally as to the type of station to be adopted in South Africa until after trial of the beam system which they have meanwhile authorized the South African Wireless Company to make. Company undertakes to provide service by the beam system in a number of directions, thus complying with its agreement in this respect, but it is considered that trial only can prove whether the system will meet all the requirements of the Union. In this connexion the disadvantages, particularly strategical, pointed out by His Majesty's Government, will also be fully considered. While the super station scheme has not and cannot yet be definitely abandoned, constructional work upon it has been suspended for trial of the beam system.

41339

No. 388.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.55 p.m., 28th August, 1924.)

TELEGRAM.

[Answered by No. 389.]

My telegram 22nd July.‡ Wireless Press reports 22nd August state that Bill introduced amending agreement between Commonwealth Government and Amalgamated Wireless Company. Should be glad to receive by telegram short summary of Bill and of your Prime Minister's statement introducing it.—SECRETARY OF STATE FOR THE COLONIES.

41842

No. 389.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.38 p.m., 2nd September, 1924.)

TELEGRAM.

[Answered by Nos. 391 and 392.]

2ND SEPTEMBER. Your telegram of 28th August.§ Purpose (of) Wireless Agreement Bill|| (is to) give Parliamentary approval to agreement modifying original agreement with Amalgamated Wireless Australasia(n) Limited made March, 1922. Clauses I and II machinery clauses. Clause III provides for

* No. 384. † Nos. 374 and 364. ‡ No. 381. § No. 388. || Passed later as Wireless Agreement Act. No. 24 of 1924.

erection in Australia main trunk station capable of providing (as soon as suitable corresponding station has been erected in the United Kingdom and/or Canada) commercial wireless service with traffic of capacity of at least 21,600 words per day each way for 300 days per annum at an estimated capital cost not exceeding £120,000, and containing guarantees for erection of station and for its capabilities to provide services stipulated and for relief to the Company from the obligations of erecting high-power stations and reciprocal stations in Great Britain and Canada as provided in sub-Clauses (d), (e), (f) and (g) of Clause 5 of principal agreement and of its obligation under Clause 12 of principal agreement providing for erection and operation of stations in the United Kingdom and Canada in pursuance of sub-Clauses (f) and (g) of Clause 5 and also of its guarantee referred to in Clause 12 of principal agreement.

Clause 4 provides that the Company will charge for its part in transmitting and receiving messages to and from Australia and the United Kingdom not more than half respective amounts scheduled in paragraph (d) Clause 5 of principal agreement and will pay to the Postmaster-General such amounts as may be due at standard tariff rate in respect of messages handled by the Post Office.

Clause 5 amends Clause 7 of principal agreement by the substitution of the words "four years" for the words "three years." The valuation of assets provided for in Clause 6 of principal agreement shall be determined before the expiration of the extended term of four years referred to.

In introducing Bill Prime Minister explained that decision of the Government to proceed with beam stations necessitated variation of original agreement providing for high-power stations.

As the British Government has undertaken to erect in England beam station(s) for reciprocal communication with Australia concurrently with completion of the Australian station there was no longer necessity for Company to provide for the erection of reciprocal stations in Great Britain and Canada, which obligation was removed by the amended Agreement.

Regarding rates to be charged for messages, provision in the original Agreement was inserted as it was contemplated that the Amalgamated Wireless Company would have full control at both ends but, in view of the policy of the British Government to control rates at the English end, new Agreement provides for reduction of the Amalgamated Wireless Company's charges by half the charges previously agreed to, and it was hoped that arrangement might later be concluded with the British Government by which the total charges would not be greater than those previously provided for. The extension of time from three to four years was necessary on account of delay caused by negotiations in connexion with the high-power station, but as the time necessary for construction of beam station was much less it is expected that complete service will be available within nine or ten months from the time the erection of beam station is commenced.—FORSTER.

37866

No. 390.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 399.]

(Confidential.)

MY LORD,

Downing Street, 10th September, 1924.

WITH reference to my despatch Dominions No. 97 of the 5th of March,* I have the honour to request Your Excellency to inform your Ministers that in accordance with recommendation 10 on page 20 of the report of the Imperial Wireless Telegraphy Committee, 1924 (Cmd. 2060), copies of which were enclosed in my despatch under reference, the question of a wireless system for the Colonies has been under the consideration of the Imperial Communications Committee. I enclose for the information of your Ministers a copy of an interim report† on the subject by the Wireless Sub-Committee of that Committee, together with a covering Note‡ by the Chairman of the Sub-Committee.

* No. 354. † Not printed here: see Committee of Imperial Defence Paper, No. 232C.

2. The financial arrangements involved in the scheme proposed in the report are receiving the further consideration of His Majesty's Government, but your Ministers will observe that the scheme depends to a very considerable extent on the co-operation of the Union Government, in particular with regard to the stations at Durban and Walfish Bay. In consequence of your despatch No. 223 of the 7th of May,* the position of the stations at Durban and Port Nolloth has been discussed with Lieutenant-Colonel Sturman; and His Majesty's Government hope that your Ministers will be able in principle to agree to the working of the Durban station so as to enable it to communicate direct with the proposed improved station at Mauritius, and also to cover all the sea area within 2,000 miles of Durban. Such a development is regarded as most important for strategical purposes, in order that His Majesty's ships within those waters may always be able to communicate to it; but it should be added that His Majesty's Government anticipate that the additional cost which the suggested working of the Durban station would involve should be met by the volume of commercial traffic which the station might be expected to secure both with the East and also possibly with this country via Mauritius.

3. As regards the station at Walfish Bay, His Majesty's Government regard it as most desirable on strategical grounds that there should be in existence a station on the western coast of South Africa capable of covering for naval purposes the southern part of the Atlantic Ocean, and they hope that the Walfish Bay station will be made able to fulfil these requirements by being able to carry out ship to shore work over a radius of 2,000 miles. In the event of the fulfilment of these requirements by the Walfish Bay station, there would be no further need, on strategical grounds, for the maintenance of the existing station at Port Nolloth.

4. Further, His Majesty's Government would be glad to learn whether the Union Government would consider the possibility of equipping the Walfish Bay station, at some additional expense, so as to be capable of communicating direct at all hours with the proposed new station at Sierra Leone. By this means it would be possible to secure uninterrupted wireless communication between the Union and this country independently of the proposed new "beam" stations, and His Majesty's Government would be prepared to consider increasing the power of the proposed new station at Sierra Leone for this purpose, if it were understood that the Union Government would agree to undertake a similar increase of power in respect of the station at Walfish Bay.

5. His Majesty's Government would be glad to receive, by telegraph if possible, an expression of your Ministers' views on these proposals.

(For the Secretary of State).

ARNOLD.

42954

No. 391.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

TELEGRAM.

(Sent 3.0 p.m., 12th September, 1924.)

[Answered by No. 394.]

YOUR telegram 2nd September.† Wireless Agreement Bill. Postmaster-General inquires whether payment to Commonwealth Postmaster-General provided for in clause 4 of Bill applies in respect of all messages handled by Company as is case with terminal rate charge paid by Pacific Cable Board and Eastern Telegraph Company, or whether it applies only to messages collected and delivered by Commonwealth Post Office on behalf of Company.—SECRETARY OF STATE FOR THE COLONIES.

* Not printed: it suggested discussion with Colonel Sturman of the proposed transfer to the Union Government of the Admiralty Wireless Stations at Durban and Port Nolloth. † No. 389

45563

No. 392.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 11.20 a.m., 25th September, 1924.)

TELEGRAM.

[Answered by No. 397.]

YOUR telegram 2nd September.* Wireless Agreement Bill. Postmaster-General would be glad to be informed as soon as it has been definitely decided that Beam station shall be erected in Australia and also probable date of completion in order that necessary arrangements may be made with Marconi Company for erection of corresponding Beam station in this country.—SECRETARY OF STATE FOR THE COLONIES.

45712

No. 393.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 27th September, 1924.)

(Confidential.)

SIR, Government House, Ottawa, 16th September, 1924.

WITH reference to your despatch, Confidential (2) of the 25th August,† forwarding a copy of an interim report of the Wireless Sub-Committee of the Imperial Wireless Telegraphy Committee, I have the honour to inform you that it is noted by the Department of Marine and Fisheries that the recommendations contained in the report assume that the high-power stations at Vancouver and Montreal will be completed, and it is thought that it might be of interest to the Sub-Committee to learn that the Marconi Wireless Telegraph Company of Canada, Limited, holds licences for high-power stations at Glace Bay, N.S., Newcastle, N.B., Montreal, P.Q., and Vancouver, B.C., as well as licences for Beam Stations at Montreal, P.Q., and Vancouver, B.C., and that of the above stations, Glace Bay is in commission and Newcastle could be placed in commission if required, but no work has yet been started on the high-power stations at Montreal and Vancouver.

It is added that the licensees are now engaged in securing a site for the Beam Station at Montreal, but that no work has been undertaken as yet in connexion with the Beam Station at Vancouver.

I have, &c.,
BYNG OF VIMY.

49061

No. 394.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.53 a.m., 17th October, 1924.)

TELEGRAM.

[Answered by No. 396.]

17TH OCTOBER. YOUR telegram 12th September.‡ Wireless Agreement Bill. Provided the British Government agrees to an equal division of the total revenue in respect of wireless traffic passing between the United Kingdom and the Commonwealth, Commonwealth Government proposes to adopt tariff charges shown in the Agreement of 28th March, 1922, entered into between the Commonwealth Government and the Amalgamated Wireless and which appears in Clause 5, sub-Clause (d).—GOVERNOR-GENERAL.

* No. 389. † No. 385. ‡ No. 391.

47416

No. 395.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by No. 400.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

} Secret.)

[MY LORD,] [SIR,]

Downing Street, 22nd October, 1924.

WITH reference to [To Canada, New Zealand, Newfoundland: my despatch Dominions No. 381 of the 13th of August*] [To Commonwealth of Australia: Your Excellency's telegram of the 2nd of September†] [To Union of South Africa: Your Excellency's telegram of the 26th of August‡] and previous correspondence regarding the establishment of an Imperial Wireless Telegraph System, I have the honour to request [Your Excellency,] [you,] to inform your Ministers that the Lords Commissioners of the Admiralty have recently been investigating the possibilities of cable cutting in war time by means not hitherto used.

2. Their Lordships' investigations have indicated that a modern submarine is capable of cutting cables up to a depth of forty fathoms, and under favourable circumstances, if fitted with suitable gear, up to one hundred fathoms. Further, the possibility of submarines arriving at the required spot and doing their work undetected is considerable in future wars. Their Lordships have, therefore, come to the conclusion that the reliability of cables in future wars is not so great as heretofore.

3. In consequence, they urge the development, where possible, of alternative communications, and observe that the most reliable alternatives at present known are suitably sited high-power medium and long wave wireless telegraph stations.

4. They also desire to draw attention to certain difficulties which have arisen with the Marconi Company as to the requirements now considered by the latter as essential for the siting of the proposed short wave beam wireless telegraph stations to be erected in this country. In this connexion, I enclose a copy of a Report by a special Sub-Committee of the Imperial Communications Committee on the Strategic Importance of Beam Stations, which it is thought may be of interest to your Ministers, since it would appear that the questions discussed are also of importance in relation to any reciprocal short wave stations which may be erected in [Canada,] [the Commonwealth of Australia,] [the Union of South Africa,] [other parts of the Empire.]

I have, &c.,

J. H. THOMAS.

Enclosure in No. 395.

COMMITTEE OF IMPERIAL DEFENCE.

IMPERIAL COMMUNICATIONS COMMITTEE.

Strategic Importance of Beam Stations.

(Secret.)

(I.C.C. No. 790.)

REPORT BY SPECIAL SUB-COMMITTEE APPOINTED TO CONSIDER THIS QUESTION.

THE Imperial Communications Committee at their 42nd meeting held on 24th September, 1924, referred to a Sub-Committee composed of Representatives of the Three Fighting Services, and the General Post Office, and the Head of the Wireless Telegraph Board the question of the strategic value of the short wave "Beam" station in England. This Sub-Committee met at the Admiralty on 30th September, and submit the following unanimous report:—

* No. 383.

† No. 389.

‡ No. 387.

1. It was the original intention of the Marconi Company to erect the requisite "Beam" stations for inter-communication between this country and the Dominions as follows:—

All the transmitting beams on one site;

All the receiving beams on one other site.

It now transpires, however, that the Marconi Company have come to the conclusion that such an arrangement is open to objections, which are stated by them in a letter dated 4th September to the Engineer-in-Chief of the General Post Office, to be as follows:—

"(a) One or more of the transmitted and one or more of the received beams, wherever situated, would cross a large portion of England, and the transmitted beam, owing to the concentration of energy in the direction of the beam, then would undoubtedly interfere with the broadcasting public who have cheap wireless sets not of a high degree of selectivity."

"(b) The received beams passing over a considerable portion of England would be liable to be interfered with by those amateurs who have received transmitting licences and may be experimenting on short waves, and liable also to interference from harmonics of broadcasting stations."

The letter continues:—

"Senator Marconi and Mr. Franklin view these two possibilities with considerable alarm and desire therefore that I should bring this matter to your attention in order that steps can be taken to obviate these difficulties."

2. The Marconi Company then proceed to make a proposal whereby the "Beam" stations for communication with India and Australia should be sited in the Eastern Counties, and those for communication with South Africa and Canada in the South West of England.

Up to date no definite locality has been proposed for the stations in the Eastern Counties, but various suggestions have been put forward for the siting of the stations in the South West. Those most suitable from the point of view of the Marconi Company are:—

Lanivet (near Bodmin) as a transmitting station;

Bude or Chedzoy (near Bridgewater) as a receiving station.

3. We consider that the objections now raised and admitted for the first time by the Marconi Company are serious. The possibilities of interference even in normal peace time, now admitted by the Marconi Company, must necessarily detract from the value of this method of communication. Though we are unable definitely to state that these stations will be worthless in war time, yet we are of opinion that the reliance which can be placed on them for strategical purposes is slight, and in view of the limitations now made manifest and admitted by the Company the stations are of even less value than was anticipated in the telegram despatched to the Dominions on 1st May, 1924, and in subsequent communications.

4. As the potential value of these "Beam" stations for strategical purposes is apparently slight, and as the Marconi Company are committed by the terms of their contract to provide a service of a definite standard of efficiency, before acceptance by His Majesty's Government, we do not consider that we are justified in recommending that the administrative and technical advantage claimed for the sites now proposed should give place to strategical considerations, and we therefore recommend acceptance of the Marconi Company's proposals stated in paragraph 2 above, subject to the following remarks:—

Of the two sites proposed for a receiving station, that near Bude is exposed to the possibility of bombardment from the sea. The site near Bridgewater is liable to interfere with the organization of defensive measures against aerial attack. We understand that considerable administrative difficulties, including the provision of a considerable length of special telegraph lines is involved if the site at Bude is selected. We are, therefore, prepared to recommend the waiving of the strategical objections to Bridgewater on the clear understanding that the site selected is within a radius of five miles, and that every effort is made to obtain a site to the West rather than the East and to the South rather than the North of that town, and provided that masts of a greater height than 350 feet will not at any time be erected.

5. In conclusion, we wish to point out that each Dominion or Colony will be dependent for the efficiency of its long distance wireless telegraph communication on reciprocal stations in other Dominions. Their relative positions make it possible therefore that the disabilities of the "Beam" system in respect of interference, mentioned in paragraph 1 of this report, will occur in one or more cases. For

example, the requirements of sites for "beam" stations, as proposed by the Marconi Company for England, would if logically applied to the Dominions, necessitate the placing of the reciprocating stations on the North Coast of Australia and the extreme East Coast of Canada.

Further, we are now given to understand from another communication addressed by the Marconi Company to the Engineer-in-Chief of the General Post Office that the existence of rough country in the vicinity of any one of these "beam" stations is a hindrance to efficient working. If this is indeed the case, it may well prove a very serious handicap to the efficiency of the stations in the various Dominions.

We are, therefore, strongly of opinion that these limitations inherent in the adoption of the "Beam" system, should be communicated to the Dominions without delay.

R. FITZMAURICE,

Captain R.N.,

D.S.D. Admiralty.

On behalf of the Sub-Committee.

2. Whitehall Gardens, S.W.1,
3rd October, 1924.

50781

No. 396.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.40 p.m., 27th October, 1924.)

TELEGRAM.

[Answered by No. 398.]

YOUR telegram 17th October,* Wireless. Postmaster-General gathers that intention of Commonwealth Government is that each administration should be responsible for payment of its own terminal rate charges from its half share of revenue. On this understanding he agreed to equal division of total revenue in respect of traffic passing direct between this country and Commonwealth of Australia and to tariff charges referred to in your telegram. Postmaster-General presumes that division of charges in respect of traffic other than that passing direct would be settled separately.

Should be glad to receive early reply to my telegram 25th September† probable date of completion of Beam Station in Australia.—SECRETARY OF STATE FOR THE COLONIES.

54327

No. 397.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.50 a.m., 19th November, 1924.)

TELEGRAM.

19TH NOVEMBER. Your telegram of 25th September.† Wireless Contracts have not yet been placed for the Beam Station and consequently impracticable to state probable date of completion. You will be immediately advised when this information is available.—GOVERNOR-GENERAL.

58326

No. 398.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.50 a.m., 19th November, 1924.)

TELEGRAM.

19TH NOVEMBER. Your telegram 27th October.‡ Wireless. Commonwealth Government agrees that each Administration be responsible for payment of its own terminal rates out of its half share of total revenue, also that question of tariff charges and division thereof between two Administrations for traffic other than that passing direct shall be determined by separate negotiations.—GOVERNOR-GENERAL.

56562

No. 399.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.45 p.m., 1st December, 1924.)

TELEGRAM.

1ST DECEMBER. Confidential. Your despatch of 10th September, Confidential,* Wireless. Ministers state that they propose to equip Durban wireless station at Jacobs with a six kilowatt continuous wave valve set which, together with the existing thirty kilowatt arc set, will enable it to communicate direct with the proposed improved station at Mauritius and also to cover all the sea area within 2,000 miles of Durban and provide for ordinary commercial ship to shore working. Steps are being taken to obtain the necessary new equipment as soon as possible. As regards Walfisch Bay, Ministers are not yet in a position to come to a decision on the proposals made.—ATHLONE.

57062

No. 400.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5th December, 1924.)

(Secret.)

SIR, Government House, Ottawa, 24th November, 1924. WITH reference to Mr. Thomas's Secret despatch of the 22nd October† enclosing a report by the Imperial Communications Committee on the strategic value of the Short Beam Radio Station, I have the honour to inform you that the Department of Marine and Fisheries has already discussed with the Canadian Marconi Wireless Telegraph Company the possibility of interference by and with the Beam Station which they are licensed to install at Drummondville, about fifty miles from Montreal, and that Company is under no misapprehension in this regard.

I have, &c.,

BYNG OF VIMY.

- (b) Association of Dominions and India in work of Imperial Communications Committee.
- (c) State-owned Atlantic Cable.
- (d) Preference in Cable and Wireless Contracts to British Companies.

55111

No. 401.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 402, 403 and 404.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Irish Free State.

(Newfoundland.

} Dominions No. 230.)

[MY LORD,] [SIR,]

Downing Street, 22nd May, 1924.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, the accompanying copies of an extract‡ from the Report of the Proceedings of the Imperial Economic Conference, 1923 [Cmd. 2009], containing the discussions on the subject of Cable and Wireless Communications.

2. The Resolution relating to the Imperial Wireless Service (page 404) is forming the subject of separate correspondence.

3. His Majesty's Government accept and will give effect to the Resolution (page 386) with regard to the association of representatives of the Dominions and India in the work of the Imperial Communications Committee when questions of interest to them are under consideration.

4. With regard to the question of giving all possible support to the State-owned Atlantic cable (page 386), His Majesty's Government will continue the existing practice in this respect which is in entire accord with the terms of the Resolution, and hope that the Oversea Governments concerned will also act in accordance with the Resolution.

5. His Majesty's Government will give careful attention to the recommendation (page 386) regarding preference to British companies, when questions of the grant of concessions for cable or wireless services to private enterprise come under consideration, and they hope that the Dominion Governments will adopt the same attitude.

I have, &c.,

J. H. THOMAS.

33389

No. 402.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 14th July, 1924.)

(No. 312.)

SIR, Governor-General's Office, Pretoria, 23rd June, 1924.

I HAVE the honour to transmit to you, herewith, with reference to your despatch Dominions No. 230 of the 22nd May, 1924,* Minute from Ministers on the subject of Cable and Wireless Communications.

I have, &c.,

ATHLONE,

Governor-General.

Enclosure in No. 402.

Prime Minister's Office, Pretoria, 21st June, 1924.

MINUTE NO. 472.

MINISTERS have the honour to acknowledge receipt of His Excellency the Governor-General's Minute No. 43/796 of the 13th June, 1924, transmitting despatch Dominions No. 230 from the Secretary of State for the Colonies with enclosures.

Ministers are glad to learn that it is the intention of His Majesty's Government to give effect to the Resolution on page 386 of the report of the proceedings of the Imperial Economic Conference, 1923, with regard to the association of representatives of the Dominions and India in the work of the Imperial Communications Committee when questions of interest to them are under consideration.

With regard to recommendations (b) and (c) on the same page it is the intention of the Union Government to act in accordance with the recommendations.

J. C. SMUTS.

41884

No. 403.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 3rd September, 1924.)

(No. 371.)

SIR, Government House, Ottawa, 23rd August, 1924.

WITH reference to your despatch Dominions No. 230 of the 22nd May,* on the subject of cable and wireless communications, I have the honour to quote the

* No. 401.

following expression of views received from the Department of Marine and Fisheries:

"Resolution (a).—The acceptance of this resolution by the Canadian representative at the Conference is entirely satisfactory to this Department;

"Resolution (b).—This resolution is approved in principle by the Dominion Government. It is observed, however, that in practice, owing to the agreement between the British Post Office and the Canadian Pacific Telegraphs, it may not be in the interests of the Canadian National Telegraph system, from a business standpoint, to carry out the terms of the resolution as completely as the Imperial authorities would like, at least until the expiration of the above-mentioned agreement;

"Resolution (c).—The acceptance of this resolution by the Canadian representative at the Conference is entirely satisfactory to this Department."

I have, &c.,

BYNG OF VIMY.

43948

No. 404.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 16th September, 1924.)

(No. 157.)

SIR,

Government House, Wellington, 7th August, 1924.

WITH reference to your despatch Dominions No. 230 of the 22nd May,* I have the honour to inform you that my Ministers state that the Government of New Zealand has always given, and will continue to give, all possible support to the State-owned cables between the Dominion and Great Britain, and that it will give sympathetic consideration to the recommendation that in any concession given to private enterprise in respect to cable or wireless services (including broadcasting stations) preference should be given to British Companies of any part of the Empire. Ministers add that they consider that all means of inland communication should be over State-owned and State-operated lines.

I have, &c.,

JELLICOE,

Governor-General.

(D) Reciprocal Enforcement of Judgments, including Arbitration Awards.

It was decided to adopt the following resolution:—

This Imperial Economic Conference take note of the action already taken in many parts of the Empire to carry into effect the proposal contained in Resolution XXV of the Imperial Conference 1911, with regard to mutual arrangements with a view to the enforcement in one part of the Empire of judgments and orders of the Courts of justice in another part, including judgments or orders for the enforcement of commercial arbitration awards. While it is recognized that in certain Dominions these matters come within the scope of Provincial or State Governments whose freedom of action could not be bound by any decision of the Dominion or Central Government, the general view of the Imperial Economic Conference is that a universal arrangement throughout the Empire for the reciprocal enforcement of judgments, including arbitration awards, could not fail to be valuable and advantageous to trade and commerce, and is accordingly an object at which the different parts of the Empire should aim.

(See also page 31 above.)

* No. 401.

55125

No. 405.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.
(New South Wales.
(Victoria.
(Queensland.
(South Australia.
(Western Australia.
(Tasmania.
(Southern Rhodesia. No. 96.)

Dominions No. 124.)

[My LORD,] [SIR,]

Downing Street, 14th March, 1924.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of an extract* from the Proceedings of the Imperial Economic Conference, 1923, relating to the Reciprocal Enforcement of Judgments, together with a list showing the territories to which Part II of the Administration of Justice Act, 1920, has been extended by Orders in Council, up to the 1st of March, 1924.

I have, &c.,

J. H. THOMAS.

Enclosure in No. 405.

ADMINISTRATION OF JUSTICE ACT, 1920.

STATEMENT SHOWING TO WHICH DOMINIONS, COLONIES, ETC., PART II OF THE ACT
HAS BEEN APPLIED.

<i>Dominion or Colony, etc.</i>	<i>Date of Order in Council.</i>
Ashanti	20th February, 1924
Barbados	13th October, 1922
Basutoland	1st April, 1922
Bechuanaland Protectorate	1st April, 1922
Bermuda	20th February, 1924
British Guiana	25th May, 1922
British Honduras	13th October, 1922
British Solomon Islands Protectorate	14th July, 1922
Ceylon	6th February, 1922
Cyprus	10th August, 1921
Falkland Islands	4th May, 1923
Federated Malay States	20th February, 1924
Fiji	4th May, 1923
Gambia (Colony)	4th May, 1923
Gibraltar	10th August, 1921
Gilbert and Ellice Islands	14th July, 1922
Gold Coast Colony	25th May, 1922
Gold Coast (Northern Territories)	20th February, 1924
Grenada	6th February, 1922
Hongkong	1st April, 1922
Jamaica	20th February, 1924
Johore	20th February, 1924
Kenya (Colony)	4th May, 1923
Kenya (Protectorate)	4th May, 1923

* Not printed here: see pages 427 to 429 of [Cmd. 2009].

<i>Dominion or Colony, etc.</i>	<i>Date of Order in Council.</i>
Leeward Islands	14th July, 1922
Mauritius	20th February, 1924
Newfoundland	4th May, 1923
New Zealand	4th May, 1923
Nigeria (Colony)	15th March, 1922
Nigeria (Protectorate)	15th March, 1922
Northern Rhodesia	20th June, 1922
Nyasaland Protectorate	14th July, 1922
Palestine	31st May, 1923
Saint Lucia	25th May, 1922
Saint Vincent	31st October, 1921
Seychelles	25th May, 1922
Sierra Leone (Colony)	31st October, 1921
Sierra Leone (Protectorate)	31st October, 1921
Somaliland Protectorate	31st October, 1921
South Australia	21st November, 1921
Southern Rhodesia	4th May, 1923
Straits Settlements	15th March, 1922
Swaziland	1st April, 1922
Tanganyika Territory	15th March, 1922
Trinidad and Tobago	6th February, 1922
Uganda Protectorate	20th June, 1922
Weihaiwei	1st April, 1922
Western Australia	6th February, 1922
Zanzibar Protectorate	31st October, 1921

1st March, 1924.

55125

No. 406.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

[Answered by No. 407, 408 and 409.]

(Canada. No. 119.)
(Commonwealth of Australia. No. 109.)
(Union of South Africa. No. 77.)
(New South Wales. No. 32.)
(Queensland. No. 24.)
(Tasmania. No. 18.)

[My LORD,] [SIR,]

Downing Street, 14th March, 1924.

WITH reference to my despatch Dominions No. 124 of the 14th of March,* [To Canada only: and to Your Excellency's despatches Nos. 14 of the 12th of January, 1922, 148 of the 16th of March, 1922, and 332 of the 12th of June, 1922,†] [To Union of South Africa only: and to His Royal Highness Prince Arthur of Connaught's despatch No. 155 of the 11th of April, 1922,‡] [To New South Wales only: and to Sir W. E. Davidson's despatches Nos. 69 of the 29th August, 1922,§ and 111 of the 1st of December, 1922,||] [To Queensland only: and to your despatch No. 11 of the 7th of June, 1922,¶] [To Tasmania: and to Sir W. L. Allardyce's despatch No. 14 of the 25th of June, 1921,**] To all: on the subject of Reciprocal Enforcement of Judgments, I have the honour to request [Your Excellency,] [you,] to inform your Ministers that His Majesty's Government hope that it may now be found possible, in view of the Resolution of the Imperial Economic Conference, for this matter to be further considered so far as concerns [Canada,] [the territories under the administration of the Commonwealth of Australia,] [the Union of South Africa,] [New South Wales,] [Queensland,] [Tasmania.]

I have, &c.,

J. H. THOMAS.

* No. 405. † Nos. 3, 4 and 8 in Dominions No. 83. ‡ No. 5 in Dominions No. 83. § No. 9 in Dominions No. 83. || No. 37. ¶ No. 7 in Dominions No. 83. ** No. 39 in Dominions No. 73.

24037

No. 407.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th May, 1924.)

(No. 217.)

SIR, Governor-General's Office, Pretoria, 30th April, 1924.

I HAVE the honour to transmit to you herewith, with reference to your despatch No. 77 of the 14th March, 1924,* Minute from Ministers on the subject of reciprocal legislation for the enforcement of judgments in the United Kingdom and Oversea Dominions.

I have, &c.,
ATHLONE,
Governor-General.

Enclosure in No. 407.

Prime Minister's Office, 26th April, 1924.

MINUTE No. 290.

MINISTERS have the honour to acknowledge the receipt of His Excellency the Governor-General's Minute No. 48/1461 dated the 9th April, 1924, covering despatch No. 77 of the 14th March, 1924, from the Secretary of State relative to reciprocal legislation for the enforcement of judgments in the United Kingdom and Oversea Dominions.

2. Ministers are in agreement with what was stated at the Imperial Conference, 1923, by the Minister of Justice, the Honourable N. J. de Wet, namely, that, while their general attitude on this matter is sympathetic, it is doubtful whether there is any urgent necessity for legislation of this nature in South Africa. Ministers can therefore but repeat the hope previously expressed that it may be found possible at some future date to introduce the necessary legislation.

J. C. SMUTS.

42607

No. 408.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8th September, 1924.)

(No. 50.)

SIR, Government House, Sydney, 9th July, 1924.

ADVERTING to your despatch No. 32 of the 14th March,* and previous correspondence, on the subject of the reciprocal enforcement of judgments throughout the Empire, I have the honour, at the instance of my Ministers, to state that it is intended to submit the necessary Bill in this matter, so far as New South Wales is concerned, to the State Legislature during the present Session of Parliament, if possible.

I have, &c.,
D. R. S. DE CHAIR,
Governor.

* No. 406.

44782

No. 409.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 22nd September, 1924.)

(No. 23.)

SIR, Government House, Brisbane, 5th August, 1924.

WITH reference to your despatch No. 24, dated the 14th March last,* on the subject of Reciprocal Enforcement of Judgments, I have the honour to report that the Acting Premier has advised me that a Bill to extend the provisions of Part II of the Administration of Justice Act, 1920, to Queensland will be drafted and introduced when time permits.

2. I have not sent a copy of this despatch to His Excellency the Governor-General.

I have, &c.,
MATTHEW NATHAN.

53161

No. 410.

VICTORIA.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 61.)

My LORD, Downing Street, 18th November, 1924.

WITH reference to my telegrams of the 13th of November and the 15th of November† and previous correspondence regarding the Victoria Supreme Court Act, 1923, I have the honour to transmit to you, for the information of your Ministers, one sealed and six plain copies of an Order of His Majesty in Council,‡ dated the 7th of November, extending Part II of the Administration of Justice Act, 1920, to Victoria.

2. Your Ministers will observe from Section 2 of the Order in Council that reciprocity between Victoria and the Irish Free State in the enforcement of judgments is not established by means of this Order, and it will, therefore, be sufficient at present if the "High Court of Justice in Northern Ireland" is proclaimed to be a superior Court under Section 2, sub-section (2) of the Victoria Supreme Court Act.

Up to the present the Government of the Irish Free State have not made provision for the reciprocal enforcement of judgments in the Irish Free State and in other parts of His Majesty's Dominions. I am, however, informed that the matter is receiving the consideration of that Government; and a further communication will be sent to you in due course when they have reached a decision on the subject.

I have, &c.,
L. S. AMERY.

Secretariat Note.—Despatches were sent on 22nd November, 1924, to the Dominions and Australian States (Dominions No. 542), and to Southern Rhodesia (No. 480), transmitting copies of Orders in Council dated the 7th November, 1924, extending Part II of the Administration of Justice Act, 1920, to Victoria (not sent to Victoria) Kedah and the Bahamas (48878/24).

* No. 406. † 53161 and 53161: not printed; they reported the issue of the Order in Council referred to in No. 410. ‡ Not printed here.

(E) Imperial Co-operation with reference to Patents, Designs, and Trade-marks.

It was decided to adopt the following resolution:—

This Imperial Economic Conference have given careful consideration to the provisional scheme recommended in the Report of the British Empire Patent Conference, 1922, and they are of opinion that, apart from one or two details which might receive further consideration by correspondence between the heads of the Patent Offices, the provisional scheme is a practicable one, and promises considerable advantages to British inventors throughout the Empire; but, in view of the difficulties felt by the Dominion of Canada as regards the absence of any provision for reciprocal registration of Dominion patents, the Conference feel unable to make any recommendation so far as the self-governing Dominions and India are concerned.

The Conference, however, unanimously agree that it is very desirable that the provisional scheme should be adopted by the Colonies and Protectorates, and that considerable benefits would thereby be derived by inventors throughout the Empire.

(See page 80 above.)

6143

No. 411.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.)

Dominions No. 78.)

[MY LORD,] [SIR,]

Downing Street, 27th February, 1924.

[Not to Irish Free State: WITH reference to Mr. Churchill's despatch Dominions No. 300 of the 18th August, 1922,* and connected correspondence] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of an extract† from the Report of the Proceedings of the Imperial Economic Conference containing the discussion, and the Resolution passed, on the subject of Patents.

I have, &c.,

J. H. THOMAS.

Secretariat Note.—A similar despatch was sent to Southern Rhodesia (despatch No. 159 of the 9th May, 1924). Copies of a circular despatch to the Colonies and Protectorates covering the draft of an Ordinance to provide for the registration in the Colony or Protectorate of Letters Patent granted in the United Kingdom were sent to the Dominions and Southern Rhodesia by despatch Dominions No. 248 (Southern Rhodesia No. 191) of the 4th June, 1924 (23026/24).

(F) Economic Defence.

It was decided to adopt the following resolution:—

In view of the vital importance to the British Empire of safeguarding its overseas carrying trade against all forms of discrimination by foreign countries, whether open or disguised, the representatives of the Governments of the Empire declare—

(1) That it is their established practice to make no discrimination between the flags of shipping using their ports, and that they have no intention of departing from this practice as regards countries which treat ocean-going shipping under the British flag on a footing of equality with their own national shipping.

(2) That in the event of danger arising in future to the overseas shipping of the Empire through an attempt by a foreign country to discriminate against the British flag, the Governments of the Empire will consult together as to the best means of meeting the situation.

* No. 120 in Dominions No. 83.

† Not reprinted: pages 430 to 437 of [Cmd. 2009].

13359

No. 412.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Irish Free State.

(Newfoundland.)

Dominions No. 195.)

[MY LORD,] [SIR,]

Downing Street, 28th April, 1924.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of an extract* from the proceedings of the Imperial Economic Conference containing the Resolution adopted by the Conference on the subject of flag discrimination.

2. His Majesty's Government endorse this Resolution.

I have, &c.,

J. H. THOMAS.

* Not reprinted: see Resolution above and page 438 of [Cmd. 2009].

(G) Customs Formalities.

(i) Valuation of Goods for Customs Duty Purposes

It was decided to adopt the following resolutions:—

Form A.

A common form of invoice and certificate for use by exporters having been adopted by Australia, New Zealand, the Union of South Africa, and Newfoundland, as well as by a number of Colonies the Conference strongly recommends in the general interests of inter-Imperial trade, that the early adoption of an identical form may be sympathetically considered by all the other Governments throughout the Empire which levy duty on a system similar to that in force in the above-mentioned parts of the Empire.

The Conference understands that legislation to give effect to the recommendations of the Imperial Customs Conference has already been passed in Australia and New Zealand, and ventures to urge the passing of similar legislation in every case in which such may prove to be necessary.

Form B.

"The Conference has had before it a form of invoice and certificate which has been prepared as suitable for use in those parts of the Empire which levy duty on the invoice value of goods imported from other parts of the Empire, and require for this purpose a certified statement made by the exporter of the goods."

"The Conference strongly recommends, in the interests of inter-Imperial trade, the early adoption by all parts of the Empire which levy duty on the system in question of the form annexed to this Resolution."

Certificate in Regard to Postal Packages.

"The attention of the Conference has been drawn to the short form of certificate prepared by the Imperial Customs Conference, 1921, for use as establishing the origin of goods sent by parcel post from the United Kingdom."

"It understands that this form has already been adopted by a number of the Dominions and Colonies, and considers that in the interests of inter-Imperial trade the adoption of a similar form is desirable in the case of parcels arriving in one part of the Empire from another part."

"The Conference therefore strongly recommends that, in the case of parcels sent by parcel post, the contents of which are of small value and are not merchandise for sale, the following short form of certificate should be adopted at an early date by all parts of the Empire concerned, as providing satisfactory evidence of the origin of the goods in cases where the production of such evidence entitles the goods to entry at a lower rate of duty than would otherwise obtain:—

"The contents of this package are not merchandise for sale, and every article herein, to the extent of at least one-fourth of its present value, is *bona fide* the produce or manufacture of.....

(name of part of British Empire).

"Dated at.....this.....day of.....19.....

Sender."

(ii) International Conference on Customs Formalities.

It was decided to adopt the following Resolution:—

"That the Conference should take note of the work accomplished by the recent League of Nations International Conference on Customs and other Similar Formalities (the 15th October to 3rd November, 1923), and that the conclusions of that Conference should be recommended for favourable consideration to the various Empire Governments concerned."

Note.—Correspondence relating to (ii) above is contained in Dominions Nos. 88 and 93.

* Not reprinted: see page 269 of [Cmd. 2009].

10591

No. 413.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.
(Southern Rhodesia. No. 92.)

Dominions No. 120.)

[MY LORD,] [SIR,]

Downing Street, 13th March, 1924.

[Not to Irish Free State and Southern Rhodesia: With reference to [my predecessor's despatch No. 553 of the 25th of November, 1922,*] [my predecessor's despatch No. 425 of the 25th of November, 1922,*] [Your Excellency's despatch No. 152 of the 11th of June, 1923,†] [His Royal Highness Prince Arthur of Connaught's telegram of the 20th November, 1922,*] [my predecessor's despatch No. 176 of the 25th of November, 1922,*] I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of an extract‡ from the proceedings of the Imperial Economic Conference, containing on pages 265-6 the resolutions adopted by the Conference on the subject of Certificates of Valuation for Customs purposes, together with a memorandum on the subject and suggested forms of certificates (pages 266-281).

[To Canada only: 2. I should be glad to be informed whether, in the light of the discussions at the Conference, your Ministers are now prepared to arrange for the adoption of the proposed uniform certificate of value and origin as set out on pages 269-276.]

[Not to Canada: 2. Inquiry is being made whether the Government of Canada are now prepared, in the light of the discussions at the Conference, to arrange for the adoption of the proposed uniform certificate of value and origin as set out on pages 269-276.]

I have, &c.,

J. H. THOMAS.

46779

No. 414.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.15 a.m., 2nd October, 1924.)

TELEGRAM.

2ND OCTOBER. With respect to the correspondence which took place concerning the Imperial Customs Conference held in London in 1921, my Government has found it necessary to modify the conditions under which tariff preference is granted to goods produced or manufactured in Great Britain and in other British Possessions. The alterations will necessitate, and their nature will be conveyed by, the following amendments of the form of combined certificate of value and origin published on page 165 of the *Board of Trade Journal* of 10th August, 1922§:—

- (i) altering "one-fourth" in Clause 6 (b) to "three-fourths" and
- (ii) omitting the note after Clause 8 of the certificate.

The amendments are to come into force on 1st April, 1925. New Zealand Government is in consultation with the Australian Government with a view to adopting a uniform certificate of origin.—JELlicoe.

*† Not printed: they related to the bringing into force of the uniform certificate of value and origin recommended by the Imperial Customs Conference 1921 [Cmd. 1231], * in the Union of South Africa as from the 1st January, 1923, † in Western Samoa as from the 1st January, 1924. ‡ Not reprinted: pages 255-282 of [Cmd. 2009]. § See page 269 of [Cmd. 2009].

46779

No. 415.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNORS.

(Canada. No. 431.)
(Commonwealth of Australia. No. 367.)
(Union of South Africa. No. 305.)
(Irish Free State. No. 580.)
(Newfoundland. No. 149.)
(Southern Rhodesia. No. 425.)

[MY LORD,] [SIR,]

Downing Street, 8th October, 1924.

WITH reference to my despatch [Not to Southern Rhodesia: Dominions No. 120] [To Southern Rhodesia: No. 92] of the 13th of March,* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a telegram† from the Governor-General of New Zealand regarding amendments in the form of combined certificates of valuation and origin necessitated by the decision of the New Zealand Government to modify the conditions under which tariff preference is granted to goods produced or manufactured in Great Britain and in other British Possessions.

I have, &c.,

J. H. THOMAS.

50712

No. 416.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.57 a.m., 25th October, 1924.)

TELEGRAM.

25TH OCTOBER. For some time past, condition allowing British preference tariff rates on goods containing only 25 per cent. British labour and material regarded by the Commonwealth Government as very unsatisfactory. Very careful consideration by my Ministers has led to the following conclusions: the proportion hitherto prescribed does not constitute British manufacture in any real sense. Such condition strongly encourages the use of cheap foreign materials to the exclusion of British, thus tending to defeat the object of the preference policy by giving substantial benefits to foreign manufacturers and endangering Dominion industries by exposing them indirectly to foreign competition assisted by preferential tariff concessions. Direct foreign competition can be guarded against, but impossible to do this when cheap foreign materials are imported into Britain and submitted to manufacture sufficient to comprise 25 per cent. of value and exported to the Dominions as British goods entitled to preference. Present conditions directly contrary to the policy of developing the resources of the Empire by utilization of Empire material. Acting on these conclusions with a view to realizing essential object of preference policy, namely, encouragement in use of Empire labour and material and to safeguard Australian industries against unfair competition arising from use of cheap foreign material, Commonwealth Government has decided to alter conditions of preference by requiring that in the case of goods partially manufactured the proportion of United Kingdom labour and material necessary to qualify for preference shall not be less than 75 per cent. factory or works cost. United Kingdom labour and material includes such addenda at any stage of manufacture of goods whether before or after undergoing process of manufacture in other countries, but final process must be performed in United Kingdom. Regarding goods manufactured in the United Kingdom from imported raw material not obtainable in the United Kingdom, if all possible processes of manufacture are performed in the United Kingdom preference will be allowed irrespective of proportion of British labour and material provided similar goods not produced in Australia. If similar goods produced in Australia preference will not be allowed unless proportion of British labour and material is at least 50 per cent. (It) will not be considered that

* No. 413. † No. 414.

all possible processes performed in the United Kingdom if United Kingdom produces raw material similar to imported raw material used (at) any stage (in the) manufacture of the goods concerned. New conditions will apply from 1st of April next. Ministers advise that New Zealand has also approved (?agreed) to take action by altering proportion entitling to preference from 25 per cent. to 75 per cent. from same date.—FORSTER.

50712

No. 417.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNORS.

(Canada. No. 472.)
(New Zealand. No. 206.)
(Union of South Africa. No. 328.)
(Irish Free State. No. 622.)
(Newfoundland. No. 164.)
(Southern Rhodesia. No. 457.)

[MY LORD,] [SIR,]

Downing Street, 1st November, 1924.

WITH reference to [my despatch No. 431 of the 8th of October,*] [Your Excellency's telegram of the 2nd of October,†] [my despatch No. 305 of the 8th of October,*] [my despatch No. 580 of the 8th of October,*] [my despatch No. 149 of the 8th of October,*] [my despatch No. 425 of the 8th of October,*] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a telegram‡ from the Governor-General of the Commonwealth of Australia reporting the decision of the Commonwealth Government to alter the conditions as regards the proportion of British labour and material in manufactured goods necessary to qualify for preference.

I have, &c.,

J. H. THOMAS.

55768

No. 418.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.15 p.m., 2nd December, 1924.)

TELEGRAM.

[Answered by Nos. 419 and 420.]

(Commonwealth of Australia.)

(New Zealand.)

PLEASE transmit following message to your Prime Minister from President of Board of Trade and myself:—

Begins: We have now had an opportunity of discussing in detail with British manufacturers effect of new regulations governing preference on British goods. British manufacturers appreciate intention that regulations should ensure maximum British labour and material, and we sincerely desire to assist. There are, however, a number of questions as regards construction and effect of regulations which we are anxious to discuss. We would suggest, therefore, that our Trade Commissioner should be instructed to represent and discuss these with representative appointed by you. *Ends.*

—AMERY.

57058

No. 419.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.15 a.m., 5th December, 1924.)

TELEGRAM.

[Answered by No. 422.]

5TH DECEMBER. Confidential. Following from my Prime Minister:—

Begins: Your telegram of 2nd December.§ Cordially welcome your suggestion(s) that your Trade Commissioner(s) should be instructed to

* No. 415. † No. 414. ‡ No. 416. § No. 418.

discuss with representatives of the Commonwealth the proposed regulations with regard to alteration in percentage of British manufacture in goods enjoying preferential treatment. The intention of the alteration and our desire is to give more effective preference to Britain than has obtained in the past. I have given instructions to Trade and Customs Department(s) to afford your Trade Commissioner every facility and assistance. *Ends.*

—GOVERNOR-GENERAL.

58287

No. 420.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.27 a.m., 13th December, 1924.)

TELEGRAM.

[Answered by No. 421.]

13TH DECEMBER. Confidential. Your telegram of 2nd December.* My Government appreciate the offer of assistance from His Majesty's Government with regard to the settlement of the question respecting preference on British goods. Comptroller of Customs here will discuss the subject with His Majesty's Trade Commissioner at Wellington.—FERGUSON.

58287

No. 421.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 8.0 p.m., 15th December, 1924.)

TELEGRAM.

[Answered by No. 424.]

Your telegram 13th December.† Confidential. Following from President of Board of Trade and myself. We much appreciate action of New Zealand Government regarding Preference on British goods. We presume there is no objection to supplementary discussions with High Commissioner in London if occasion should arise for elucidating any point of detail.—AMERY.

57058

No. 422.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 8.0 p.m., 15th December, 1924.)

TELEGRAM.

[Answered by No. 423.]

CONFIDENTIAL. Your telegram 5th December.‡ Following for your Prime Minister from President of Board of Trade and myself:—

Begins: Your message regarding British preference much appreciated. Presume you have no objection to supplementary discussion with High Commissioner in London if occasion arose for elucidating any point of detail. *Ends.*

—AMERY.

* No. 418.

† No. 420.

‡ No. 419.

59509

No. 423.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.20 a.m., 20th December, 1924.)

TELEGRAM.

20TH DECEMBER. Your telegram of 15th December.* Prime Minister offers no objection to supplementary discussion with the High Commissioner regarding British Preference.—GOVERNOR-GENERAL.

60153

No. 424.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.35 a.m., 24th December, 1924.)

TELEGRAM.

24TH DECEMBER. Confidential. Your telegram 15th December.† New Zealand Government has no objection to supplementary discussion by Representative(s) of His Majesty's Government with the High Commissioner of New Zealand with respect to Preference conditions on British goods should occasion arise for elucidating any point of detail.

Ministers state that the Prime Minister of Canada has suggested that Canada and New Zealand should adopt 50 per cent. British material and labour as basis of Preference. This suggestion will receive earnest consideration but before coming to decision it is considered necessary to communicate with the Prime Minister of the Commonwealth of Australia since alteration of Preference basis already announced was decided on here in agreement with the Australian Government after considerable discussion.—GOVERNOR-GENERAL.

(H) Empire Currency and Exchange.

The Imperial Economic Conference adopted and endorsed the following Resolutions, submitted to them by the Committee on Inter-Imperial Exchanges:—

(i) "That, arising as they do from the suspension of an effective gold standard, the difficulties of Inter-Imperial exchange will disappear when the currencies of Great Britain and the Dominions affected are again made convertible into gold.

(ii) "That it is neither necessary nor desirable to adopt complicated plans for a new instrument of credit, such as Empire Currency Bills, which involve difficult and disputable constitutional and financial questions.

(iii) "That where difficulties have arisen in regard to exchange between certain parts of the Empire and between such parts and the United Kingdom,

"(a) The position could be ameliorated if the note-issuing authorities were to accumulate sterling assets and to undertake to exchange their local currencies for sterling and *vice versa*.

"(b) This measure might be further developed and assisted by the creation of central banks and by mutual co-operation as recommended by the Genoa Conference.

"(c) In some cases the bank charges for buying and selling sterling appear to be unduly high and should be capable of reduction."

* No. 422.

† No. 421.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.
(Southern Rhodesia. No. 135.)

Dominions No. 180.)

[My LORD,] [SIR,]

Downing Street, 15th April, 1924.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, the accompanying copies of an extract* from the Report of the Proceedings of the Imperial Economic Conference (Cmd. 2009) relating to Empire Currency and Exchange.

I have, &c.,
J. H. THOMAS.

* Not reprinted: see pages 439-479 of [Cmd. 2009].

(J) Co-operation for Technical Research and Information.

It was decided to adopt the following Resolutions:—

Resolution I.

"This Imperial Economic Conference recommends the adoption of the first of the two schemes for the future of the Imperial Institute and the Imperial Mineral Resources Bureau proposed in the Report of the Imperial Institute Committee of Enquiry, 1923, subject to the following modifications:—

(i) That in order to ensure that the reconstituted Imperial Institute may in future undertake in its laboratories only preliminary investigations of raw materials for the purpose of ascertaining their possible commercial value, and to ensure that investigation or research of a more extensive kind may be referred to the appropriate authority, whether in this country or elsewhere in the Empire, there shall be formed a small Committee of the Governing Body, to be known as the 'Laboratory Committee,' consisting of the Comptroller-General of the Department of Overseas Trade (or his nominee), the Secretary of the Scientific and Industrial Research Department (or his nominee), and a Fellow of the Royal Society, being a representative of that Society on the governing body of the Imperial Institute, who will supervise the laboratory work of the Institute and report thereon from time to time to the governing body."

(ii) That with a view to ensuring that in future the reconstituted Institute may have expert assistance in regard to finance—e.g., in establishment matters—a representative of His Majesty's Treasury be added to the new governing body and to the new Managing Committee proposed in paragraphs 100 and 101 of the Report of the Imperial Institute Committee of Inquiry.

Resolution II.

This Imperial Economic Conference approves the estimate of the cost of maintaining the reconstituted Institute as set out in paragraph 5 of the memorandum by the Secretary of State for the Colonies submitted to the Conference (I.E.C. (23)-18); and suggests that in order that the sum of £8,000, which is proposed as an annual contribution from the Dominions and India, may be obtained, the Ministerial representatives of the Dominions and of India advise their respective Legislatures to contribute the following annual amounts for a period of five years:—

	£
Canada	2,000
Commonwealth of Australia	2,000
New Zealand	1,200
Union of South Africa	1,200
India	1,200
Irish Free State	200
Newfoundland	200

Resolution III.

This Imperial Economic Conference take note of the memorandum on the co-ordination of research bearing upon Industry and the suggestions for its development submitted by the Department of Scientific and Industrial Research in consultation with the Ministry of Agriculture and Fisheries and other Departments, and they are of opinion that all possible steps should be taken to encourage the exchange of scientific and technical information between the various parts of the Empire, and the co-operation of the official and other organizations engaged in research for the solution of problems of common interest.

Note.—Some correspondence prior to the Imperial Economic Conference, 1923, is included in this section.

* [Cmd. 1997].

(i) Resolutions 1 and 2:—Imperial Institute and Imperial Mineral Resources Bureau.

3416

No. 426.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by No. 427.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(New South Wales.
(Victoria.
(Queensland.
(South Australia.
(Western Australia.
(Tasmania.)

Dominions No. 46.)

[MY LORD,] [SIR,]

Downing Street, 10th February, 1923.

WITH reference to Viscount Milner's despatch No. [522] [333] [168] [345] [92] [57] [34] [47] [88] [42] [35] of the 23rd of August, 1920,* and subsequent correspondence upon the subject of the Imperial Institute, I have the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that the financial position of the Institute has been engaging my attention since I assumed office, and that I recently found it necessary to invite the members of the Executive Council to meet me here, with a view to discussing the question. A report† of the proceedings is enclosed for the information of your Ministers.

2. It will be seen that I have decided to appoint a Committee under the Chairmanship of Mr. W. Ormsby-Gore, M.P., Parliamentary Under-Secretary of State for the Colonies. The constitution of the Committee and its terms of reference are shown in the enclosed copy of a notice which appeared in the Press on the 7th of February.

3. [To Canada, Commonwealth of Australia, New Zealand, Union of South Africa only: It will be observed that the High Commissioner for [Canada] [the Commonwealth of Australia] [New Zealand] [Union of South Africa] has agreed to serve on the Committee.]

I have, &c.,

DEVONSHIRE.

Enclosure in No. 426.

It was officially announced last night that the Duke of Devonshire, Secretary for the Colonies, has appointed a Committee, with the following terms of reference:

In view of the withdrawal of overseas contributions and the consequent financial difficulties of the Imperial Institute, to consider and report

(i) What functions at present carried on by the Institute are considered essential; and

(ii) Whether these should be continued by the Institute or attached elsewhere, and in this connexion to take into account the functions of other research organizations, and to report what consequential legislative or other measures will be necessary to carry their recommendations into effect.

Further to report on the functions of the Imperial Institute, and to what extent the intentions of the Founders and the Royal Charter are being carried out; and to suggest any improvements which they consider financially possible, if they recommend that the Institute shall be carried on on its existing basis.

The Committee will be constituted as follows:—

Mr. W. Ormsby-Gore, M.P. (Chairman).

Mr. P. C. Larkin (High Commissioner for the Dominion of Canada).

Sir Joseph Cook (High Commissioner for the Commonwealth of Australia).

* 41719: not printed; the despatches invited the Dominions and Australian States to make increased contributions towards the upkeep of the Imperial Institute. † Miscellaneous No. 358.

Colonel Sir James Allen (High Commissioner for the Dominion of New Zealand).

Sir Edgar Walton (High Commissioner for the Union of South Africa).

Lord Islington.

Sir James Stevenson.

Sir Hubert Llewellyn Smith (Board of Trade).

Sir Owen Philipps.

Sir Arthur Shirley Benn, M.P. (President, Associated Chambers of Commerce).

Sir Gilbert Grindle (Colonial Office).

Mr. M. F. Headlam, C.B. (Treasury).

With Mr. E. B. Boyd, of the Colonial Office, as Secretary.

41187

No. 427.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 18th August, 1923.)

[Answered by No. 428.]

(No. 415.)

Government House, Ottawa,

9th August, 1923.

MY LORD DUKE,

WITH reference to Your Grace's despatch, Dominions No. 46 of the 10th February,* my Government would be glad to know whether the Committee under the management of Mr. W. G. Ormsby-Gore, M.P., Parliamentary Under-Secretary of State for the Colonies, has as yet made its report with regard to the Imperial Institute.

In this connexion I am to point out that there appears in the Supply Bill for the fiscal year ending March 31st, 1924, the following vote:—

"Contribution to the up-keep of the Imperial Institute, London, on condition that the balance of £40,000 is contributed by the United Kingdom, India, and other overseas Dominions and Crown Colonies and Protectorates \$20,000."

Before any payment can be made it will be necessary under the terms of this vote for some assurance to be given that the provisions thereof have been complied with.

I have, &c.,

BYNG OF VIMY.

41187

No. 428.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 431.)

MY LORD,

Downing Street, 12th September, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 415 of the 9th of August,† and to request you to inform your Ministers that the Imperial Institute Committee of Enquiry, on which the High Commissioner for Canada was represented by Mr. W. C. Noxon, Agent-General for the Province of Ontario, has just made its report. I hope to bring the Report, with the proposals of His Majesty's Government, before the Imperial Economic Conference.

2. With regard to the question of contributions, His Majesty's Government provided a sum of £10,000 on the Estimates for the Financial year 1923-24, but the Lords Commissioners of the Treasury stipulated that the money should not be paid to the Institute until it was clear that a sum of £30,000 would be forthcoming from contributions from Oversea Governments for the year 1923-1924. A list of the contributions already made or promised for the present financial year is enclosed. It appears clear that the contributions will fall short of the £30,000, and His

* No. 426. † No. 427.

Majesty's Government would propose to deal with the resulting situation in the light of the decision which may be come to at the Conference.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 428.

CONTRIBUTIONS FROM THE COLONIES, PROTECTORATES, ETC., TO THE IMPERIAL INSTITUTE, 1923-24.

Malta	£50	Nyasaland	£100
† Cyprus	£100	Zanzibar	£75
Ceylon	Rs. 15,000	Mauritius	£1,000
Straits Settlements	£500	Seychelles	£30
Federated Malay States	£500	Bermuda	£25
North Borneo	£250	Bahamas	£50
Hongkong	£500	Leeward Islands	£250
Gambia	£500	Barbados	£50
Sierra Leone	£500	Grenada	£7
Gold Coast	£1,000	St. Lucia	£7
Nigeria	£600-£800	Trinidad	£150
Kenya	£350	British Honduras	£100
Uganda	£250	British Guiana	£500
† Rhodesia	£300	Fiji	£150

57803

No. 429.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(Southern Rhodesia. No. 94.)

Dominions No. 450.)

[MY LORD,] [SIR,] Downing Street, 29th November, 1923.

[Not to Southern Rhodesia: With reference to my despatch Dominions No. 46 of the 10th of February,*] I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of a Parliamentary Paper [Cmd. 1997], containing the Report of the Imperial Institute Committee of Inquiry, 1923, together with Resolutions of the Imperial Economic Conference on the subject.

[Not to New Zealand: 2. Further copies are being sent in Library despatch.]

I have, &c.,

DEVONSHIRE.

55129

No. 430.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 12.10 p.m., 14th December, 1923.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

14TH DECEMBER. Confidential. Imperial Institute. Draft Bill to give effect to recommendations of Imperial Economic Conference regarding future of

* No. 426. † Provision on Estimates.

Imperial Institute and Imperial Mineral Resources Bureau has now been prepared. Principal provisions are as follows:—Preamble recites position of Imperial Institute under Acts of 1902 and 1916, and of Mineral Resources Bureau under Royal Charter, 1919, and contains also following recitals:—

And whereas the future of the Imperial Institute and of the Imperial Mineral Resources Bureau was discussed at an Imperial Economic Conference held in London in the year nineteen hundred and twenty-three:

And whereas certain resolutions were adopted at that Conference recommending to the Governments represented thereon the amalgamation of the above bodies, the making of further arrangements in regard to the management of the amalgamated body, and annual contributions to its maintenance for a period of five years out of moneys provided by Parliament of nine thousand pounds, by the Governments of the self-governing Dominions and India of eight thousand pounds and by the Governments of the Colonies and Protectorates of eight thousand pounds:

And whereas for enabling effect to be given to the said recommendations it is expedient that the provisions hereinafter contained should have effect:

Clause 1 repeals Acts of 1902 and 1916 and revokes Mineral Resources Bureau Charter, 1919.

Clause 2 retains Institute Building and Endowment Fund as at present in hands of Trustees, among whom is to be included Parliamentary Secretary Department of Overseas Trade as responsible Minister.

Clause 3 provides for transfer of other property of Institute and property of Bureau to the responsible Minister.

Clause 4 provides for the application of buildings and property to purposes of Institute as set out in the First Schedule.

Clause 5 gives powers of management to responsible Minister and provides for constitution of Board of Governors.

Clause 6. *Begins.*—In each year during the five years after the commencement of this Act there shall be paid out of moneys provided by Parliament towards the expenses of the Imperial Institute a sum of nine thousand pounds, and thereafter such sum (if any) as Parliament may determine. *Ends.*

Clause 7 gives power to vary by Order in Council in agreement with Governments of Dominions and India contributing for the time being provisions of the Bill prescribing purposes of Institute and regulating its management.

First Schedule sets out purposes of reorganized Institute which may be summarized as follows:—

(1) To collect and disseminate information regarding uses, sources, production, treatment and marketing of raw materials including minerals and semi-manufactured products, and technical and scientific information generally bearing upon Empire industries.

(2) To advise on development of Empire resources in raw materials.

(3) To conduct preliminary investigations of raw materials and where advisable to arrange further investigation by appropriate institutions.

(4) To collect samples of raw materials having a definite value in industry and commerce.

Second Schedule provides that Board of Governors should consist of responsible Minister as President, one person appointed by each of Dominion Governments and India, one by Secretary of State for Colonies, five other official representatives of Government Departments here including Treasury and not more than ten representatives of scientific and commercial interests, of whom when first appointed not less than three shall be taken from present Governors of Mineral Resources Bureau. Board to constitute Managing and Laboratory Committees on lines agreed at Conference and Advisory Councils of which one shall be on minerals.

Full text of draft Bill follows by mail.

—DEVONSHIRE.

61226

No. 431.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 6 p.m., 14th December, 1923.)

TELEGRAM.

[Answered by Nos. 436, 439, 442 and 443.]

(Canada.)
(Union of South Africa.)
(Newfoundland.)

At a meeting of the Executive Council of the Imperial Institute on 12th December, and consequent on an intimation from Sir James Allen, High Commissioner for New Zealand, that the Prime Ministers of Australia, Canada and Newfoundland had altered their opinions from those expressed on behalf of their Delegations at the Imperial Economic Conference, and now desire that the Exhibition Galleries be retained, the unofficial members of the Council unanimously passed the following resolution:—

"That the Executive Council, while accepting the Imperial Economic Conference Report, suggests, without prejudice to the carrying out of that Report, that a further opportunity should be afforded to all Governments concerned to consider whether they would be prepared to find such further funds as would enable the Exhibition Galleries to be retained."

Retention of the Galleries would involve an addition to the expenditure contemplated by the Conference of some £13,000 odd, of which £8,000 odd would be due to loss of the rent that could be obtained for the Galleries, and £5,000 to the cost of staff, etc., required for their maintenance. Proportionate increases would have to be made in the contributions recommended by the Conference, and this would involve raising the contribution of [Canada] [South Africa] [Newfoundland] from [£2,000] [£1,200] [£200] to [£3,040] [£1,824] [£304].

As it is essential for His Majesty's Government to know at an early date whether it is the desire of the Prime Ministers and the contributing Governments that the decision of the Imperial Economic Conference on this point should be reopened, I should be obliged if you would ask Prime Minister to telegraph as soon as possible his views on this suggestion and to inform me whether he would be prepared to contribute additional amount for five years. I am communicating with the other Prime Ministers.—DEVONSHIRE.

61226

No. 432.

COMMONWEALTH OF AUSTRALIA.

THE DUKE OF DEVONSHIRE TO THE RIGHT HONOURABLE S. M. BRUCE
(PRIME MINISTER).

[Answered by No. 438.]

DEAR MR. BRUCE,

Downing Street, 15th December, 1923.

At a meeting of the Executive Council of the Imperial Institute on the 12th instant, and consequent on an intimation from Sir James Allen, High Commissioner for New Zealand, that the Prime Ministers of Australia, Canada and Newfoundland had altered their opinions from those expressed on behalf of their Delegations at the Imperial Economic Conference, and now desire that the Exhibition Galleries be retained, the unofficial members of the Council unanimously passed the following resolution:—

"That the Executive Council, while accepting the Imperial Economic Conference Report, suggests, without prejudice to the carrying out of that Report, that a further opportunity should be afforded to all Governments concerned to consider whether they would be prepared to find such further funds as would enable the Exhibition Galleries to be retained."

2. The retention of the Galleries would involve an addition to the expenditure contemplated by the Conference of some £13,000 odd, of which £8,000 odd would be due to loss of the rent that could be obtained for the Galleries, and £5,000 to the cost of staff, etc., required for their maintenance. In order to make up this amount the following proportionate increases would have to be made in the contributions recommended by the Conference:—

	Old Rate. £	Proposed New Rate. £
Dominions and India	8,000	12,160
Canada	2,000	3,040
Australia	2,000	3,040
New Zealand	1,200	1,824
Union of South Africa	1,200	1,824
India	1,200	1,824
Irish Free State	200	304
Newfoundland	200	304
	£8,000	£12,160
His Majesty's Government	9,000	13,680
Colonies and Protectorates	8,000	12,160
	£25,000	£38,000

3. As it is essential for His Majesty's Government to know at an early date whether it is the desire of the Prime Ministers and the contributing Governments that the decision of the Imperial Economic Conference on this point should be reopened, I should be obliged if you would be so kind as to let me have as soon as you can your views as to the probability of Australia being willing to make an increased contribution for the purpose.

4. I enclose copy of a telegram* which I am sending to the Prime Ministers of Canada, South Africa and Newfoundland.

Yours, &c.,

DEVONSHIRE.

61226

80149

No. 433.

NEW ZEALAND.

THE DUKE OF DEVONSHIRE TO THE RIGHT HONOURABLE W. F. MASSEY
(PRIME MINISTER).

[Answered by No. 434.]

DEAR MR. MASSEY,

Downing Street, 15th December, 1923.

At a meeting of the Executive Council of the Imperial Institute on the 12th instant, and consequent on an intimation from Sir James Allen, High Commissioner for New Zealand, that the Prime Ministers of Australia, Canada and Newfoundland had altered their opinions from those expressed on behalf of their Delegations at the Imperial Economic Conference, and now desire that the Exhibition Galleries be retained, the unofficial members of the Council unanimously passed the following resolution:—

"That the Executive Council, while accepting the Imperial Economic Conference Report, suggests, without prejudice to the carrying out of that Report, that a further opportunity should be afforded to all Governments concerned to consider whether they would be prepared to find such further funds as would enable the Exhibition Galleries to be retained."

2. The retention of the Galleries would involve an addition to the expenditure contemplated by the Conference of some £13,000 odd, of which £8,000 odd would be due to loss of the rent that could be obtained for the Galleries, and £5,000 to the

* No. 431.

cost of staff, etc., required for their maintenance. In order to make up this amount the following proportionate increases would have to be made in the contributions recommended by the Conference:—

	Old Rate.	Proposed New Rate.
	£	£
Dominions and India	8,000	12,160
Canada	2,000	3,040
Australia	2,000	3,040
New Zealand	1,200	1,824
Union of South Africa	1,200	1,824
India	1,200	1,824
Irish Free State	200	304
Newfoundland	200	304
	£8,000	£12,160
His Majesty's Government	9,000	13,680
Colonies and Protectorates	8,000	12,160
	£25,000	£38,000

3. As it is essential for His Majesty's Government to know at an early date whether it is the desire of the Prime Ministers and the contributing Governments that the decision of the Imperial Economic Conference on this point should be re-opened, I have sent a telegram,* a copy of which I enclose, to the Prime Ministers of Canada, South Africa and Newfoundland, and I should be glad if you would let me know whether, in the event of their agreeing, you would agree to ask the New Zealand Parliament for the increased contribution specified, for a term of five years. I am writing to Mr. Bruce in the sense of the telegram.

Yours, &c.,
DEVONSHIRE.

61565

No. 434.

NEW ZEALAND.

THE RIGHT HONOURABLE W. F. MASSEY (PRIME MINISTER) TO THE
DUKE OF DEVONSHIRE.

(Received 19th December, 1923.)

Prime Minister's Office, Hotel Cecil, W.C.2.

MY DEAR DUKE,

17th December, 1923.

I HAVE to thank you for your letter of the 15th instant† with further reference to the question of the Imperial Institute, and transmitting copy of a Resolution passed unanimously by the unofficial members of the Council. I am just on the eve of my departure for New Zealand, but I just want to say that I shall be prepared to recommend my colleagues to agree to submitting an increased vote of £1,824 as New Zealand's increased contribution in the event of the retention of the Galleries. Of course, it is understood that the item is subject to Parliamentary authorization.

Yours, &c.,
W. F. MASSEY.

* No. 431. † No. 433.

55129

No. 435.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(Irish Free State. Confidential.)

Dominions No. 472. Confidential.)

[My LORD,] [SIR,]

Downing Street, 18th December, 1923.

[Not to Irish Free State: With reference to my telegram of the 14th December,*] I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a draft of a Bill which has been prepared in connexion with the recommendations of the Imperial Economic Conference, 1923, regarding the amalgamation of the Imperial Institute and the Imperial Mineral Resources Bureau. The recommendations are set out on pages 53 and 54 of the Report of the Imperial Institute Committee of Inquiry [Cmd. 1997], [Not to Irish Free State: a copy of which was enclosed in my despatch Dominions No. 450 of the 29th of November.†]

[To Irish Free State only: 2. A similar despatch is being addressed to the other self-governing Dominions.]

I have, &c.,
DEVONSHIRE.

61535

No. 436.

UNION OF SOUTH AFRICA.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8 p.m., 18th December, 1923.)

[Answered by No. 440.]

TELEGRAM.

18TH DECEMBER. Your telegram of 14th December.‡ So far as Union Government are concerned they do not wish Exhibition Gallery to be retained at the Imperial Institute and desire to abide by the contribution of £1,200 agreed to during the Economic Conference.—INNES.

61226

No. 437.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 455.]

(Confidential.)

SIR,

Downing Street, 28th December, 1923.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a telegram§ to the Governors-General of Canada and the Union of South Africa, and the Governor of Newfoundland, with reference to a proposal which has been put forward for the retention of the Exhibition Galleries of the Imperial Institute.

2. I have addressed similar communications|| to the Prime Ministers of the Commonwealth of Australia and New Zealand.

3. The resolution of the Imperial Economic Conference on this subject, which is set out on page 14 of the Summary of Conclusions of the Conference [Cmd. 1990], recommended a contribution to the Institute by the Irish Free State of a sum of

* No. 430. † No. 429. ‡ No. 431. § No. 431. || Nos. 432 and 433.

£200 annually for a period of five years; this proposal for the retention of the Exhibition Galleries would involve the proportionate increase of the contribution to £304 annually.

4. I should be glad to learn as soon as possible what are the views of your Ministers on the proposal in question, and whether they are prepared to advise the Parliament of the Irish Free State to contribute for a period of five years the additional amount which would be required.

I have, &c.,
DEVONSHIRE.

469

No. 438.

COMMONWEALTH OF AUSTRALIA.

THE RIGHT HONOURABLE S. M. BRUCE (PRIME MINISTER) TO THE
DUKE OF DEVONSHIRE.

(Received 3rd January, 1924.)

Prime Minister, Australia House,
Strand, London, W.C.2, 1st January, 1924.

MY DEAR SECRETARY OF STATE,

I AM in receipt of your letter of the 15th December* with regard to the Exhibition Galleries at the Imperial Institute. I regret that I have not replied sooner but, owing to my absence in France, I was unable to do so.

I observe from your letter that Sir James Allen has intimated "that the Prime Minister of Australia had altered his opinion from that expressed on behalf of the Australian Delegation at the Imperial Economic Conference." This is not quite an accurate statement of the position.

After the decision of the Committee of the Economic Conference had been arrived at, I was approached with a view to ascertaining whether Australia would be prepared to reconsider the matter.

I then indicated that, if the question was re-opened by the British Government and an indication was given by them that they were prepared to bear their share of the additional expense involved, Australia would reconsider the question with a view to deciding whether they could fall into line if the other Dominions adopted a similar course.

From your letter I gather that the British Government has given no indication of its attitude, and that there is no unanimity among the Dominions concerned.

In these circumstances it appears to me that no course can be followed other than to adhere to the decision of the Economic Conference.

Yours, &c.,
S. M. BRUCE.

1234

No. 439.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 9.30 p.m., 7th January, 1924.)

TELEGRAM.

7TH JANUARY. Your telegram of 14th December.† My Ministers agree to raise contribution of Newfoundland from £200 to £304 for a period of five years to enable Exhibition Galleries to be retained.—ALLARDYCE.

* No. 432. † No. 431.

62710

No. 440.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.) } Dominions No. 8.)

[MY LORD,] [SIR,]

Downing Street, 9th January, 1924.

[Not to Irish Free State: With reference to my despatch Dominions No. 450 of the 29th of November,*] I have the honour to request [Your Excellency,] [you,] to inform your Ministers that His Majesty's Government accept the recommendations of the Imperial Economic Conference with regard to the reorganization of the Imperial Institute and the Imperial Mineral Resources Bureau, and have decided to initiate action with a view to giving effect to those recommendations.

2. In consequence, I have given careful consideration to the question how the total contribution of £8,000 recommended in respect of the Colonies and Protectorates should be apportioned between the various Governments, and I have now invited contributions, for a period of five years, of the amounts set out in the accompanying Schedule. I am also asking the Government of Southern Rhodesia to recommend to the Legislature a contribution of the sum of £250 per annum for the same period.

[Not to Union of South Africa: 3. I should be glad to hear at the earliest possible date whether your Government also is prepared to accept the recommendations of the Conference on this subject, and to recommend to Parliament the contribution of (1) [£2,000] (2) [£2,000] (3) [£1,200] (5) [£200] (6) [£200] for five years, as indicated in the Second Resolution.]

[To Union of South Africa only: 3. I understand from your telegram of the 18th December† that it is the intention of your Ministers to recommend to the Union Parliament the payment to the Institute of an annual contribution of £1,200 for five years, but I should be glad if your Ministers would be so good as to confirm this understanding in due course.]

I have, &c.,
DEVONSHIRE.

Enclosure in No. 440.

REVISED LIST OF CONTRIBUTIONS (TO IMPERIAL INSTITUTE AND IMPERIAL MINERAL
RESOURCES BUREAU COMBINED.)

	£
Ceylon ...	750
Federated Malay States ...	750
Straits Settlements ...	750
Gold Coast ...	750
Nigeria ...	750
Mauritius ...	500
British Guiana ...	500
Sierra Leone ...	500
Hongkong ...	500
Gambia ...	250
Uganda ...	250
Leewards ...	250
Kenya ...	250
North Borneo ...	150
Fiji ...	150
Trinidad ...	100
Cyprus ...	100
Nyasaland ...	100

* No. 429. † No. 436.

British Honduras	£	100
Zanzibar	100	
Malta	50	
Bahamas	50	
Barbados	50	
Seychelles	25	
Bermuda	25	
Windward Islands:		
Grenada	10	
St. Lucia	10	

62710

No. 441.

SOUTHERN RHODESIA.

THE SECRETARY OF STATE TO THE GOVERNOR.

[Answered by No. 448.]

(No. 11.)

SIR, Downing Street, 9th January, 1924.

I HAVE the honour to request you to invite the attention of your Ministers to the question of the future of the Imperial Institute. This question has recently been considered by a Committee under the Chairmanship of the Parliamentary Under Secretary of State for the Colonies, and the published report of the Committee, which includes also the resolutions of the Imperial Economic Conference on the subject, has been transmitted to you under cover of my despatch No. 94 of the 29th of November.* It may, however, be of advantage if I recapitulate in this despatch the more important of the Committee's recommendations for the future of the Imperial Institute and also of the Imperial Mineral Resources Bureau. In this connexion I would invite attention to the despatch from the Administrator of Southern Rhodesia to the High Commissioner for South Africa of the 18th May, No. 190,† and connected correspondence.

2. The Committee recommended that:

(1) The Imperial Institute should in future confine its activities to that of a Clearing House of Intelligence and Information equipped with Laboratories to enable it to carry on only the work of preliminary analysis and investigation of raw materials. All inquiries entailing elaborate investigation or real scientific research should be referred to the competent authorities. Reliable up-to-date sample rooms, illustrative of important Empire raw materials, should be maintained.

(2) The Institute should discontinue the attempt to illustrate by means of Exhibition Galleries the natural resources of the Empire, and the existing collections at South Kensington should be dispersed and the Galleries made available for other purposes. The Institute should, however, arrange for a really representative selection of Empire products to be made for the purpose of a travelling exhibition of a purely educational character, and also, if possible, for organizing travelling exhibitions of the staple products of the Colonies and Protectorates in the appropriate trade centres in this country.

(3) The present Executive Council of the Institute should be abolished, and its place should be taken by a Governing Body containing representatives of Scientific Institutions, of trade and commerce, and of various Government Departments, as well as representatives of the Dominion and Indian Governments. This Governing Body should delegate the greater part of its powers, and the actual management of the Institute, to a small Managing Committee representing, as far as possible, the various elements of which the larger Governing Body is composed.

(4) The Director of the reconstituted Institute should be a purely administrative officer and should no longer be a member of the Governing Body or of the Managing Committee.

* No. 429.

† 30466: not printed; it reported the provision in the Estimates for 1923-24 of a sum of £300 as a contribution to the Imperial Institute.

(5) The Imperial Institute when so reorganized should be made responsible to the Department of Overseas Trade.

(6) As soon as these reforms have been carried out, arrangements should be made for the complete amalgamation of the Imperial Mineral Resources Bureau with the Imperial Institute.

(7) The annual expenditure of the Institute thus reorganized, allowing for the saving due to the elimination of expenditure on the Exhibition Galleries, but including the cost of the work at present done by the Imperial Mineral Resources Bureau, should not exceed £40,000 per annum, and to meet this expenditure contributions from the Governments of the Empire would be required for a definite period of years to supplement the amount derived from the Endowment Fund of the Institute, etc., and from the rent of the Exhibition Galleries.

3. It is obvious that the economies thus effected will enable the reorganized Imperial Institute to carry out the essential features of its work and, at the same time, to reduce very considerably the amounts asked by way of contribution from the oversea Governments. The foregoing scheme was approved by His Majesty's Government and recommended by them for adoption by the Imperial Economic Conference. As will be seen from the Memorandum which I submitted on their behalf to the Conference (printed as No. 2 in Cmd. 1997, of which a copy was enclosed in my despatch No. 94 of the 29th of November*), His Majesty's Government undertook to propose in Parliament an annual grant of £9,000 for a period of five years, and to invite the Colonies and Protectorates to agree to contribute between them an annual grant of £8,000 for the same period, on condition that the Governments of the Dominions and India were willing to give assurances that they would make contributions amounting in all to £8,000 for the fixed period of five years.

4. The Imperial Economic Conference, after referring the Inquiry Committee's Report and the Memorandum mentioned in the preceding paragraph to a special Committee, passed Resolutions recommending the adoption, subject to two slight modifications in regard to supervision and the management, of the scheme as outlined above for the future of the Imperial Institute and the Imperial Mineral Resources Bureau, and suggesting that the representatives of the Dominions and India should advise their Legislatures to make certain specific contributions annually to secure the sum of £8,000 for a period of five years.

5. I have carefully considered how the total contribution of £8,000 should be apportioned between the various Colonies and Protectorates, and I have already invited contributions, for a period of five years, of the sums set out in the accompanying schedule.†

I hope that your Ministers also may be prepared to assist in the upkeep of the reorganized Institute and to recommend that Southern Rhodesia should continue to contribute to its funds. If so, I would suggest that an appropriate proportionate contribution might be the sum of £250 per annum.

6. I should add that His Majesty's Government attach particular importance to securing continuity of contribution. If, therefore, your Ministers see their way to recommend the Legislature to vote a contribution to the Institute, it would be most desirable that the contribution should be made available not only in the ensuing year, but also in the four succeeding years, that is, for five years in all from the 1st of April, 1924.

I have, &c.,
DEVONSHIRE.

2711

No. 442.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.30 a.m., 17th January, 1924.)

TELEGRAM.

16TH JANUARY. Your telegram 14th December.‡ Canadian Government have decided to increase contribution to the Imperial Institute from £2,000 to

* No. 429.

† Enclosure in No. 440.

‡ No. 431.

£3,040, and instructions have been given to provide for such increase in the Estimates to be laid before Parliament at its approaching session.—BYNG.

3880

No. 443.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 25th January, 1924.)

(No. 3.)

MY LORD DUKE, Government House, St. John's, 7th January, 1924.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 450 of the 29th November,* and to confirm my telegram† of this date in reply to yours of the 14th December; with respect to Newfoundland's contribution to the Imperial Institute, and to state that my Ministers have agreed to raise the annual payment from £200 to £304 per annum, for a period of five years.

I have, &c.,

W. L. ALLARDYCE.

7416

No. 444.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 1.30 p.m., 22nd February, 1924.)

TELEGRAM.

(Canada.)

(Union of South Africa.)

(Newfoundland.)

22ND FEBRUARY. My despatch 9th January, Dominions 8,§ Imperial Institute. Lord Cowdray has made offer of £5,000 a year for five years towards upkeep of Exhibition Galleries in present form. This likely to involve reduction of increased contribution referred to in my telegram of 14th December|| if it were eventually decided to retain Galleries. In view of this offer and of representations made to them, His Majesty's Government are reconsidering question and I hope to be able to inform your Government shortly of their views.—THOMAS.

7416

No. 445.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 2.10 p.m., 22nd February, 1924.)

TELEGRAM.

[Answered by No. 449.]

(Commonwealth of Australia.)

(New Zealand.)

22ND FEBRUARY. My despatch 9th January, Dominions 8,** Imperial Institute. Question of reconsidering recommendations of Economic Conference in order to provide for retention of Exhibition Galleries was discussed with your Prime Minister while in this country, and it was explained to him that such retention would involve total increase in cost of Institute of approximately £13,000, being £8,000 loss of rental and £5,000 cost of upkeep of Galleries, and proportionate increase of [Australian] [New Zealand] annual contribution of [£3,040.] [£1,824.] Understand that your Prime Minister [expressed to my predecessor view that he would like to see Galleries retained if possible.] [agreed to recommend to New Zealand Parliament payment of increased contribution required.]

Lord Cowdray has made offer of £5,000 a year for five years towards upkeep of Galleries. This likely to involve reduction of increased contribution referred to

* No. 429. † No. 439. ‡ No. 431. § No. 440. || No. 431. ** No. 440.

above if it were eventually decided to retain Galleries. In view of this offer and of representations made to them His Majesty's Government are reconsidering question, and I hope to be able to inform [Commonwealth] [New Zealand] Government shortly of their views.

[To Australia only: Before receiving information as to above offer, Canada, New Zealand and Newfoundland agreed to provide increased contribution for upkeep of Galleries. Union of South Africa did not agree.].—THOMAS.

7416

No. 446.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 455.]

(Confidential.)

SIR,

Downing Street, 26th February, 1924.

WITH reference to my predecessor's Confidential despatch of the 28th of December,* and his despatches Dominions Nos. 8† and 9§ of the 9th January, I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a telegram‡ to the Governor-General of Canada on the subject of the Exhibition Galleries of the Imperial Institute. Similar telegrams are being sent to the other self-governing Dominions.

2. I should be glad to learn what view your Ministers take as to the retention of the Galleries.

I have, &c.,

J. H. THOMAS.

9301

No. 447.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 26th February, 1924.)

(Confidential (3).)

SIR,

Governor-General's Office, Cape Town, 8th February, 1924.

I HAVE the honour to transmit to you herewith, with reference to the Duke of Devonshire's Confidential despatch, Dominions No. 9 of 9th January, 1924,§ Minute from Ministers on the subject of a contribution by the Union Government to the Imperial Institute and the Imperial Mineral Resources Bureau.

I have, &c.,

ATHLONE,

Governor-General.

Enclosure in No. 447.

Prime Minister's Office, 7th February, 1924.

MINUTE No. 83.

MINISTERS have the honour to acknowledge the receipt of His Excellency the Governor-General's Minute No. 73/20 of the 31st ultimo, transmitting a copy of a despatch No. 8, dated the 9th January, 1924, from the Secretary of State for the Colonies relative to a contribution by the Union Government to the Imperial Institute and the Imperial Mineral Resources Bureau.

In reply Ministers would inform His Excellency that the sum of £1,200 has been included in the Estimates for 1924-25 for this service.

J. C. SMUTS.

* No. 437. † No. 440. ‡ No. 444. § No. 62710: not printed; in connexion with No. 440 it invited attention to No. 435.

12748

No. 448.

SOUTHERN RHODESIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 17th March, 1924.)

(No. 43.)

SIR, Governor's Office, Salisbury (Rhodesia), 22nd February, 1924.

I HAVE the honour to refer to the Duke of Devonshire's despatch No. 11 of the 9th January* on the subject of the future of the Imperial Institute.

2. My Ministers inform me that, subject to the approval of the Legislative Assembly, the Government is prepared to subscribe the sum of £250 per annum towards the funds of the Institute for a period of five years; and provision for the first payment will be made in the Estimates of Expenditure for the financial year ending the 31st March, 1925.

I have, &c.,

J. R. CHANCELLOR,

Governor.

12822

No. 449.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.31 a.m., 17th March, 1924.)

TELEGRAM.

17TH MARCH. Your telegram 22nd February,† Imperial Institute. Australia prepared to find additional amount for retention of Exhibition Galleries if British Government also agrees.—GOVERNOR-GENERAL.

14857

No. 450.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 2.0 p.m., 31st March, 1924.)

TELEGRAM.

[Answered by Nos. 452, 453, 454 and 458.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

31ST MARCH. My telegram 22nd February,‡ Imperial Institute. His Majesty's Government have now decided in view of representations made to them and of Lord Cowdray's generous offer, that provision for retention of Exhibition Galleries of Institute should be made in draft Bill prepared to give effect to recommendations of Imperial Economic Conference. Copy of revised Bill follows by mail.

Further examination is being made of cost of retention of Galleries with a view to formulation of proposals for definite allocation among Governments concerned of further contributions involved therein. [Not to Union of South Africa: In the meantime it is hoped that your Ministers will be able [To Canada and Newfoundland: to retain provision of [£1040] [£104] made in respect of Galleries [see your telegram 17th January, §] [see your despatch 7th January, No. 3. ||] [To Australia and New Zealand: to make provision for contribution of [£1040] [£624] in respect of Galleries [see my telegram 22nd February and your telegram 17th March. **] [see my telegram 22nd February. ††]

* No. 441. † No. 445. ‡ Nos. 444 and 445. § No. 442. || No. 443. ** Nos. 445 and 449. †† No. 445.

[To South Africa only: Governments of Canada, Commonwealth of Australia, New Zealand and Newfoundland have agreed to make provision for proportionate share of further contributions required on account of retention of Galleries. Hoped that in all the circumstances your Ministers will be able to reconsider decision conveyed in your telegram 18th December* and to make provision for contribution of £624 in respect of Galleries, see my telegram of 14th December, †] as maximum contribution on this account pending further examination referred to above.—THOMAS.

10739

No. 451.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by No. 455.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Irish Free State.)

(Newfoundland.)

Dominions No. 150. Confidential.)

[MY LORD,] [SIR,]

Downing Street, 31st March, 1924.

[Not to Irish Free State: With reference to my telegram of the 31st March, †] [To Irish Free State: With reference to my Confidential despatch of the 26th February, §] I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a revised draft of the Bill which has been prepared to give effect to the recommendations of the Imperial Economic Conference regarding the future of the Imperial Institute and the Imperial Mineral Resources Bureau. [To Irish Free State: together with copies of telegrams ‡ sent to the Governments of the other self-governing Dominions relative to arrangements now contemplated for the retention of the Exhibition Galleries of the Institute.]

2. As stated in my [telegram] [telegrams] of the 31st March, ‡ the draft Bill has been revised with a view to making provision for the retention of the Exhibition Galleries of the Institute, and in consequence the original draft Bill, of which a copy was enclosed in my predecessor's Confidential despatch of the 18th December [Dominions No. 472, Confidential] [Confidential], || has been modified by the insertion of a clause in the preamble (Lines 16-26 on page 2); of an additional sub-Section (2), to Section 6; providing for a separate contribution to the cost of maintaining the Galleries, and of an additional Heading 6 in the First Schedule.

[To Irish Free State only: 3. With further reference to my telegrams of 31st March, * I should be glad to learn whether your Ministers are prepared to recommend to the Parliament of the Irish Free State that a contribution of £104 per annum for a period of five years should be made in respect of the Exhibition Galleries as a maximum amount pending further examination of the question, in addition to the contribution of £200 recommended by the Imperial Economic Conference.]

I have, &c.,

J. H. THOMAS.

16880

No. 452.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.10 a.m., 8th April, 1924.)

TELEGRAM.

7TH APRIL. Your telegram of 31st March, † Imperial Institute. Following receipt of your telegram 22nd February ** my Ministers reduced amount arranged for contribution of Canada for retention of the Gallery from £1,040 to £640, and

* No. 436. † No. 431. ‡ No. 450. § No. 446. || No. 435. ¶ No. 450. ** No. 444.

proposed that Vote so stand in the Estimates as issued to Parliament. It is hoped that this Vote will be sufficient to cover the Canadian allocation.—BYNG.

21604

No. 453.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.35 a.m., 6th May, 1924.)

TELEGRAM.

6TH MAY. Your telegram of 31st March,* Imperial Institute. Commonwealth Government agreeable to provide additional proportional amount for the retention of the Exhibition Gallery.—GOVERNOR-GENERAL.

22236

No. 454.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.20 p.m., 9th May, 1924.)

TELEGRAM.

9TH MAY. Your telegram of 31st March.* Ministers doubtful if retention of Exhibition Galleries at Imperial Institute would serve any useful purpose and are in any case unable to increase contribution towards upkeep of Institute beyond amount of £1,200 agreed to at Economic Conference.—ATHLONE.

24597

No. 455.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 23rd May, 1924.)

(Confidential.)

SIR, Vice Regal Lodge, Dublin, 22nd May, 1924.
I HAVE the honour to refer to the Duke of Devonshire's despatch "Confidential" of the 18th December last† and to subsequent despatches on the subject of the proposed association of Saorstát Eireann with the Imperial Institute and the Imperial Mineral Resources Bureau, and to state that my Ministers have given careful consideration to the matter.

2. They regret, however, that they are not in a position to recommend payment of contributions on behalf of Saorstát Eireann for the purpose in question, and in the circumstances they feel that they would not be justified in seeking to retain the right to appoint a Governor of the Imperial Institute, or to be associated in the control of that Institute or of the Imperial Mineral Resources Bureau.

I have, &c.,

T. M. HEALY.

26060

No. 456.

INDIA OFFICE to COLONIAL OFFICE.

(Received 31st May, 1924.)

India Office, Whitehall, London, S.W.1.

SIR,

30th May, 1924.
WITH reference to previous correspondence on the subject of the Imperial Institute, I am directed by the Secretary of State for India in Council to state, for

the information of Mr. Secretary Thomas, that the Government of India have accepted the Resolution of the Imperial Economic Conference adopted on 2nd November, 1923, subject to the condition that the Resolution is also accepted by the self-governing Dominions. In the latter event the Government of India agree to make an annual contribution of £1,200 for a period of five years towards the expenses of the reorganized Imperial Institute on the understanding that the necessary funds will require to be voted each year by the Legislative Assembly. No provision has been made in the Budget for any contribution for the year 1924-5, but the Government of India, on learning that the scheme has been accepted by all the other parties, will apply to the Legislative Assembly for a supplemental grant of £1,200.

I am accordingly to inquire whether the self-governing Dominions have agreed to contribute for five years definitely the amounts specified in the above-quoted Resolution of the Imperial Conference.

I am to say that the Government of India have no observations to offer on the Imperial Institute Bill. With regard to the modifications made in the original draft of the Bill for the purpose of enabling Exhibition Galleries to be maintained, the Government of India, while not objecting to these modifications, are not prepared to make any additional contribution to the Institute for the upkeep of Exhibition Galleries. They also stipulate that no part of their contribution of £1,200 shall be spent on such Galleries without their specific authorization.

I have, &c.,

E. J. TURNER.

30149

No. 457.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.	} Dominions No. 334.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Irish Free State.	
(Newfoundland.	
(Southern Rhodesia. No. 270.)	

[MY LORD.] [SIR,]

Downing Street, 23rd July, 1924.

[Not to Southern Rhodesia: With reference to my despatch Dominions No. 150 of the 31st of March,* which need no longer be regarded as Confidential.]

[To Southern Rhodesia only: With reference to your despatch No. 43 of the 22nd February,†] on the subject of the Imperial Institute, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of Official Reports‡ of Debates in the House of Lords on the Imperial Institute Bill, together with copies of the Bill‡ as finally passed by the House of Lords.

[Not to Southern Rhodesia: 2. It will be observed that, as a result of the Debates in the House of Lords, the Bill now differs in certain minor respects from that originally drafted, of which copies were enclosed in my despatch under reference.]

I have, &c.,

J. H. THOMAS.

35302

No. 458.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.15 a.m., 25th July, 1924.)

TELEGRAM.

25TH JULY. Your telegram of 31st March,§ your despatch of 9th January, Dominions No. 8.|| My Ministers advise me that the New Zealand Government will

* No. 451. † No. 448. ‡ Not reprinted: see House of Lords official reports of 4th June, 1st, 7th and 9th July (Vol. 57, No. 45 and Vol. 58, Nos. 50, 53 and 55). § No. 450.
|| No. 440.

contribute annual sum £1,200 towards the upkeep of the Imperial Institute and Imperial Mineral Resources Bureau, and also sum of £624 per annum towards the cost of upkeep of the Exhibition Galleries of the Institute, making a total annual contribution from New Zealand of £1,824.—JELlicoe.

49720

No. 459.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.
(Southern Rhodesia. No. 437.)

Dominions No. 495.)

[MY LORD,] [SIR,]

Downing Street, 21st October, 1924.

WITH reference to my despatch [Dominions No. 334] [No. 270] of the 23rd of July* on the subject of the Imperial Institute, I have the honour to request [Your Excellency] [you] to inform your Ministers that His Majesty's Government regret that the exigencies of Parliamentary business during the summer session did not permit the passage of the Imperial Institute Bill, of which copies were enclosed in my despatch under reference, through the House of Commons, and no further opportunity occurred owing to the dissolution of Parliament.

2. It is hoped to reintroduce the Bill in the next Parliament at the first opportunity, and every effort will be made to bring the scheme of reorganization into force as early as possible next year.

I have, &c.,

J. H. THOMAS.

60600

No. 460.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada. No. 560.)
(Commonwealth of Australia. No. 448.)
(New Zealand. No. 243.)
(Union of South Africa. No. 390.)
(Newfoundland. No. 184.)

[MY LORD,] [SIR,]

Downing Street, 29th December, 1924.

WITH reference to my predecessor's despatch Dominions No. 495 of the 21st October,† I have the honour to request [Your Excellency] [you] to inform your Ministers that His Majesty's Government have had under consideration the financial arrangements necessary in order to continue the work of the Imperial Institute pending the passage of the Bill to provide for the reorganization of the Institute which His Majesty's Government have decided to reintroduce into Parliament at the earliest opportunity.

2. Contributions from the Colonies and Protectorates amounting to more than the sum of £8,000 recommended by the Imperial Economic Conference, 1923, have already been received; and the Colonies and Protectorates concerned have been invited also to make a further contribution towards the additional sum required for the upkeep of the Exhibition Galleries of the Institute.

3. His Majesty's Government have also paid to the Institute an advance of £3,000 in respect of their contribution; and they would be glad to learn whether your Ministers would agree to authorize payment to the Institute for the current year 1924-5 of the amount recommended by the Imperial Economic Conference, viz., [To Canada and Commonwealth of Australia: £2,000,] [To New Zealand and Union of South Africa: £1,200,] [To Newfoundland: £200,] [Not to Union of South Africa: and, in addition, of a further contribution towards the retention of the

* No. 457. † No. 459.

Exhibition Galleries; the amount suggested as a provisional contribution is, in the case of [Canada, £640.] [Commonwealth of Australia, £640.] [New Zealand, £384.] [Newfoundland, £64.]

I have, &c.,

L. S. AMERY.

(ii) Resolution 3:—Co-operation for Technical Research and Information.

15709

No. 461.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND
GOVERNORS.

[Answered by Nos. 462 and 463.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Irish Free State.

(Newfoundland.

(Southern Rhodesia. No. 129.)

Dominions No. 171.)

[MY LORD,] [SIR,]

Downing Street, 11th April, 1924.

I HAVE the honour to transmit to [Your Excellency] [you,] to be laid before your Ministers, copies of an extract* from the proceedings of the Imperial Economic Conference relating to Co-operation for Technical Research and information, and to request you to invite the attention of your Ministers to the resolutions adopted by the Conference on the subject of Co-ordination of Research. (Page 491.)

2. His Majesty's Government welcome this resolution; and the following observations are offered as to the mode of co-operation in giving effect to it.

(a) *Exchange of scientific and technical information.*—The Department of Scientific and Industrial Research would be glad to receive scientific and technical information on subjects falling within the scope of its activities as outlined in the memorandum on co-ordination of research in the Empire (paragraphs 7 to 27 on pages 493-499), or would be willing to supply such information as it has available, in answer to any inquiries in relation to those activities which may be addressed to it by Government Departments or representative research organizations in the Dominions.

(b) *Co-operation in the conduct of research.*—The Department will be prepared to co-operate with the Dominion Governments or with scientific, industrial, or agricultural organizations of recognized standing in the conduct of any investigations falling within its scope of mutual interest to this country and the Dominions. In this connexion attention is particularly invited to paragraphs 29 to 39 of the Department's memorandum referred to above (pages 499-503), in which the suggestion is made that co-operation in research might advantageously be undertaken in directions such as the following:—

- (i) Between industrial research organizations established under the Department (*vide* paragraphs 11 and 12 of the memorandum) and organizations engaged in producing primary materials in the Dominions;
- (ii) Between research organizations under the Department (*vide* paragraphs 14 to 28 of the memorandum) and official or other bodies engaged in the promotion of the development of the natural resources of the Dominions.

In Appendices II and III to the memorandum (pages 508-514), two examples are given of fields of work which might well be explored by the Research Department and the interested bodies in the Dominions concerned in co-operation (*viz.*, the investigation of processes for the production of power alcohol and research on problems of the overseas transport of fresh fruit and vegetables);

* Not reprinted: pages 480 to 519 of [Cmd. 2009].

- (iii) By the extension of the membership of research associations in this country to include firms resident in the Dominions.

While it is true that nearly all research associations have powers to admit such firms to membership, they are practically autonomous bodies, and would be free to decide their own policy in a question of this kind.

3. The question of the future of the Imperial Institute, to which reference is made in the enclosed extract, is being dealt with in separate correspondence.

I have, &c.,
J. H. THOMAS.

44928

No. 462.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 22nd September, 1924.)

(No. 453.)

SIR, Governor-General's Office, Cape Town, 2nd September, 1924.

I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions No. 171 of the 11th April, 1924,* copies of Minutes from Ministers on the subject of the Resolution adopted at the Imperial Economic Conference regarding the Co-ordination of Research.

I have, &c.,
ATHLONE,
Governor-General.

Enclosure 1 in No. 462.

Prime Minister's Office, Pretoria, 27th May, 1924.

MINUTE No. 400.

MINISTERS have the honour to acknowledge receipt of His Excellency the Governor-General's Minute No. 73/31 of the 9th May on the subject of the Resolution adopted at the Imperial Economic Conference regarding the Co-ordination of Research, and to inform His Excellency that the matter is receiving attention.

J. C. SMUTS.

Enclosure 2 in No. 462.

Prime Minister's Office, Cape Town, 29th August, 1924.

MINUTE No. 678.

WITH further reference to His Excellency the Governor-General's Minute No. 73/31 of the 9th May, 1924, transmitting copy of despatch No. 171 of 11th April last from the Secretary of State for the Colonies on the subject of the resolution adopted by the Imperial Economic Conference, regarding the Exchange of Scientific and Technical information and Co-operation in the conduct of Research, Ministers have the honour to inform His Excellency that there are in existence at present in the Union of South Africa under the Department of Mines and Industries the Oil Fuel Committee and the Research Grant Board which were specially created for the purpose of dealing with research on industrial and general scientific questions. The Research Grant Board was intended to be the co-ordinating body connecting and linking up all research work in the Universities and elsewhere throughout the Union including researches on oil fuel and minerals.

Research work in connexion with agricultural problems is carried on in the laboratories attached to the Botanical, Entomological, Veterinary divisions of the Department of Agriculture, and in some of the Universities.

In the Veterinary Research Laboratory facilities are afforded for the conduct of investigations by foreign scientists in instances in which it is probable that both

* No. 461.

the Union and the countries represented by those scientists will gain from the results of the researches conducted.

The results of the investigations of the Research officials are published from time to time, and copies of the publications are exchanged with oversea scientists and scientific institutions.

The Departments in the Union for years have been working in close touch with the leading societies and scientific institutions in other countries.

The Departments hope to institute a regular method of interchange of views as well as of results with similar institutes in other parts of the Empire, and in addition, where practicable, to arrange that facilities be given to scientists in South Africa to visit bureaux overseas and possibly even to exchange scientists for the investigation of particular problems.

Experience has shown that research work on most of the agricultural problems must be carried out in the Union if the best results are to be obtained, but there are some classes of research work which cannot be carried out in the Dominion or which would be more suitably carried out at a central institute such as the Imperial Institute and Minerals Research Bureau.

Ministers desire to inform His Excellency that the suggestions made in despatch No. 171 from the Secretary of State for the Colonies appear to be eminently suited to meet the case, and they have been communicated to the departments concerned.

J. B. M. HERTZOG.

46746

No. 463.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd October, 1924.)

(No. 173.)

SIR, Government House, Wellington, 26th August, 1924.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 171 of the 11th April,* forwarding copies of an extract from the proceedings of the Imperial Economic Conference relating to co-operation for technical research and information, and inviting the attention of my Ministers to the resolution adopted by the Conference on the subject of co-ordination of research.

2. My Ministers advise me that the New Zealand Government already facilitates and assists by monetary grants scientific and industrial research, and co-operates with the New Zealand Institute and other institutions in furthering this object.

3. Ministers add that they will give earnest consideration to the proposed setting up of a special organization dealing with such research.

I have, &c.,

JELICOE,
Governor-General.

* No. 461.

(K) Immunity of State Enterprises.

It was decided that the following resolutions be adopted:—

I.

This Imperial Economic Conference, so far as it is competent for its members without prejudice to the rights of the States or Provinces of a self-governing Dominion, agrees with the recommendation of the Committee on the Liability of Dominion and Foreign Governments, &c., to United Kingdom taxation expressed in the following terms, viz.:

"Any Government within the Empire, so far as it engages in trade, shall be treated as liable to the taxation of any other country within the Empire in which it may either own property in connexion with trade or make trade profits; the liability of the United Kingdom Government or any Dominion Government so far as engaged in trade shall be co-extensive with the liability of a private trading corporation in similar circumstances."

It is agreed that each of the several Parliaments of Great Britain, the Dominions, and India shall be invited to enact at the earliest opportunity a declaration that the general and particular provisions of its Acts or Ordinances imposing taxation shall be deemed to apply to any commercial or industrial enterprise carried on by or on behalf of any other such Governments in the same manner in all respects as if it were carried on by or on behalf of a subject of the British Crown. It is not contemplated that such legislation should have retrospective effect for any year prior to 1924.

This Conference further agrees that, as soon as possible after the passing of the aforesaid legislation, negotiations should be opened with the Governments of foreign countries, in accordance with the recommendations of the aforesaid Committee, with a view to reciprocal agreement between those countries and the Empire to the following effect: If or when the Government of a foreign country carries on trade in the United Kingdom or in a Dominion, and if or when the Government of a country within the British Empire carries on trade in a foreign country, the trading Government shall not, in its character as such, be treated as entitled to any sovereign immunity from taxation either directly or through the claim of superiority to the jurisdiction of municipal Courts; nor shall a Government so trading be treated as entitled to any sovereign immunity from taxation in respect of property in the other country concerned which it may own or hold in a trading capacity or in connexion with trade.

It is understood that, as the Committee recommended, it would be a proviso to the whole agreement that it should be without prejudice to the national interests of a sovereign State in any emergency of war.

II.

"The Conference further recommends that the draft convention on the immunity of State-owned ships adopted by the meeting of the International Maritime Committee held at Gothenberg in August last, and amended after consultation between the British Admiralty and Board of Trade, should be adopted throughout the Empire as the basis on which an international convention might be concluded. This amended draft is as follows:—

Immunity of State-owned Ships.

(Amended Draft: October 26, 1923.)

"Article 1.—Vessels owned or operated by States for trading purposes, cargoes owned by them and cargo and passengers carried on such vessels and the States owning or operating such vessels shall be subjected in respect of claims relating to the operation of such vessels or to such cargoes to the same rules of legal liability (i.e. liability to be sued for payment) and to the same obligations as those applicable to private vessels, persons or cargo.

"Article 2.—Such liabilities shall be enforceable by the tribunals having jurisdiction over and by the procedure applicable to a privately-owned ship or cargo or the owner thereof.

"Article 3.—Ships of war, State Yachts, Surveying Vessels, Hospital Ships and other vessels owned or operated by States and employed on other than trading purposes shall continue to enjoy the respective privileges and immunities hitherto enjoyed by them by the comity of nations. Liabilities against such ships in respect of collisions or salvage claims shall, however, be enforceable, but only by action before the competent tribunals of the State owning or operating such vessels; and no such vessel shall be liable to arrest. Similarly, State-owned cargo carried for non-commercial purposes in ships owned or operated by the State shall not be subject to seizure, but shall be liable to process of Law, but only in the Courts of the State owning such vessels.

"Article 4.—The provisions of this Convention will be applied in every contracting State in all cases where the claimant is a citizen of one of the contracting States, provided always that nothing in this Convention shall prevent any of the contracting States from settling by its own laws the rights allowed to its own citizens before its own Courts.

"Article 5.—This Convention shall not be binding on a belligerent State in respect of claims arising during the period of belligerency."

(See also Section VI, pages 84-88.)

55116

No. 464.

HOUSE OF COMMONS.

(29th April, 1924.)

MR. SNOWDEN: . . . First, there is the proposal relating to the immunity from taxation of State enterprises. It was suggested that the Government of any part of the Empire, when carrying on trade operations in any other part of the Empire, should be liable to the taxation which was in operation in that part of the Empire in which it traded. The establishment of this principle was to be the preliminary to negotiations between the Empire and Foreign States for an international arrangement of the same kind. That Resolution raises a very interesting, as well as a very important, international question, and, though I see no reason to dissent from the course proposed, I would like more time to consider it. The Resolution of the Conference was without prejudice to the right of State and Provincial Governments in Federal Dominions, and, although I have no reason to expect that they would take any exception to it, still, I think the postponement would give us an opportunity of ascertaining the views of the various Dominions upon this aspect of the question. Therefore, I propose to postpone that question until next year.

55116

No. 465.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by No. 468, 469, 470, 472 and 473.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Irish Free State.

(Newfoundland.

Dominions No. 373. Confidential.)

[My LORD,] [SIR,]

Downing Street, 7th August, 1924.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, the accompanying copies of an extract* from the Proceedings of the Imperial Economic Conference, 1923, relating to (a) the immunity from taxation of State enterprises, and (b) the immunity from liability of State-owned ships.

* Not printed; see pages 520 to 525 of [Cmd. 2009].

2. As regards (a) I would invite reference to [Not to Irish Free State: Mr. Churchill's Confidential despatch Dominions No. 180 of the 7th of June, 1922,* forwarding copies of the Final Report of the Colwyn Committee.] [To Irish Free State only: my predecessor's Confidential despatch of the 25th of July, 1923,† forwarding copies of the Final Report of the Colwyn Committee.] [To Canada only: and to your telegram of the 14th of September, 1923,‡] [To Commonwealth only: and to your telegram of the 12th of March, 1923,§] [To New Zealand only: and to your Confidential despatch of the 14th of August, 1922,||] [To Union only: and to His Royal Highness Prince Arthur of Connaught's Confidential despatch of the 8th of November, 1922,¶] To all: The position of His Majesty's Government in regard to the Resolution on this subject was explained by the Chancellor of the Exchequer in his financial statement in the House of Commons on the 29th of April, of which an extract** is enclosed; and they would be glad to learn whether the Dominion Governments accept the Resolution of the Imperial Economic Conference as set out on pages 523-4 of the extract from the Proceedings, and are prepared to take the necessary legislative steps to give effect to it on the understanding that similar legislative measures are taken in this country. The negotiations with foreign Governments contemplated in the latter part of the Resolution must, of course, stand over in the meantime.

3. As regards (b), [To Irish Free State only: I enclose copies of the Report of an Inter-Departmental Conference on British and Foreign Law regarding Government ships.] [To others: I would invite reference to Mr. Churchill's despatch Dominions No. 339 of the 5th of September, 1922,†† forwarding copies of a Report on British and Foreign Law regarding Government ships.]

To all: His Majesty's Government accept the recommendation of the Imperial Economic Conference in favour of the adoption of the proposed draft Convention relating to the Immunity of State-owned ships; and they would be glad to be informed whether your Government also accept it.

4. [To Commonwealth only: Copies of a despatch‡‡ addressed to the Officers Administering the Governments of the Australian States regarding the immunity from taxation of State enterprises are enclosed.]

I have, &c.,

J. H. THOMAS.

55116

No. 466.

THE SECRETARY OF STATE to THE GOVERNORS.

[Answered by No. 467.]

(New South Wales.
(Victoria.
(Queensland.
(South Australia.
(Western Australia.
(Tasmania.
(Southern Rhodesia.)

Confidential.)

[My Lord,] [Sir,]

Downing Street, 7th August, 1924.

I HAVE the honour to transmit to you, to be laid before your Ministers, the accompanying copies of an extract§§ from the Proceedings of the Imperial Economic Conference, 1923, and to invite attention to the Resolution relating to the immunity from taxation of State enterprises as set out on pages 523-4.

[To all except Southern Rhodesia: 2. In this connexion I would invite reference to Mr. Churchill's Confidential despatch Dominions No. 180 of the 7th of June, 1922,|||] [To New South Wales: and to the late Sir Walter Davidson's Confidential despatch of the 2nd of November, 1922,¶¶] [To Victoria: and to Sir W. H. Irvine's despatch No. 27 of the 17th of October, 1923,***] [To Queensland: and to Sir G. J. R. Murray's Confidential despatch of the 4th of September, 1922,†††]

* No. 162 in Dominions No. 83. † No. 109. ‡ No. 111. § No. 108. || No. 168 in Dominions No. 83. ¶ No. 171 in Dominions No. 83. ** No. 464. †† Not printed: it forwarded copies of the Report of an Inter Departmental Conference as shown. ‡‡ No. 466. §§ Not printed here: see pages 520-525 of [Cmd. 2009]. ||| No. 162 in Dominions No. 83. ¶¶ No. 172 in Dominions No. 83. *** No. 113. ††† No. 169 in Dominions No. 83.

[To Western Australia: and to Sir F. Newdegate's Confidential despatch of the 26th of June, 1923*] [To Tasmania: and to Sir Herbert Nicholl's Confidential despatch of the 5th of July, 1923,†] regarding the report of the Colwyn Committee on this subject.]

[To Southern Rhodesia: 2. In this connexion I enclose copies of the Final Report‡ of the Committee which was appointed in 1921 to consider questions arising in connexion with the liability of Dominion and foreign Governments to United Kingdom taxation.]

3. The position of His Majesty's Government in regard to this Resolution was explained by the Chancellor of the Exchequer in his financial statement in the House of Commons on the 29th of April, of which an extract§ is enclosed, and they would be glad to learn whether the [New South Wales Government] [Government of Victoria] [Government of Queensland] [Government of South Australia] [Government of Western Australia] [Tasmanian Government] [Government of Southern Rhodesia] accept the Resolution of the Imperial Economic Conference and are prepared to take the necessary legislative steps to give effect to it on the understanding that similar legislative measures are taken in this country. The negotiations with foreign Governments contemplated in the latter part of the Resolution, must, of course, stand over in the meantime.

I have, &c.,

J. H. THOMAS.

48292

No. 467.

SOUTHERN RHODESIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 13th October, 1924.)

(No. 299.)

SIR, Governor's Office, Salisbury (Rhodesia), 17th September, 1924.

I HAVE the honour to refer to your Confidential despatch of the 7th August|| transmitting copies of an extract from the Proceedings of the Imperial Economic Conference, 1923, together with copies of the final Report of the Committee which was appointed in 1921 to consider questions arising in connexion with the liability of Dominion and foreign Governments to United Kingdom taxation.

2. I am informed by my Ministers that they accept the resolution passed by the Imperial Economic Conference based on the recommendations of the Committee.

3. My Government are prepared to take the necessary legislative steps to give effect to the resolution, provided other parts of the Empire agree to take similar action.

I have, &c.,

J. R. CHANCELLOR,
Governor.

49663

No. 468.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21st October, 1924.)

(Confidential.)

SIR, Vice Regal Lodge, Dublin, 20th October, 1924.

I HAVE the honour to refer to your despatch Dominions No. 373, Confidential, of the 7th of August¶ inquiring as to whether my Ministers accept the recommendations of the Imperial Economic Conference on the subject of:—

- (a) the immunity from taxation of State enterprises, and
- (b) the immunity from liability of State-owned ships.

2. My Ministers feel that the possible forms in which State enterprises and State-owned ships might operate in Saorstát Éireann cannot yet be sufficiently anticipated, and they do not, therefore, propose to come to any decision on the subject of these resolutions for the time being.

I have, &c.,

T. M. HEALY.

* No. 37998: not printed; it reported that no decision had been reached. † No. 110. ‡ Not published; copy with 25347/22. § No. 464. || No. 466. ¶ No. 465.

51622

No. 469.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th November, 1924.)

(Confidential.)

Governor-General's Office,
Pretoria, 15th October, 1924.

SIR, I HAVE the honour to transmit to you, herewith, with reference to your despatch Dominions No. 373, Confidential, of the 7th August, 1924,* copy of Ministers' minute on the subject of (a) the immunity from taxation of State enterprises, and (b) the immunity from liability of State-owned ships.

I have, &c.,

ATHLONE,

Governor-General.

Enclosure in No. 469.

Prime Minister's Office, 14th October, 1924.

MINUTE No. 826.

MINISTERS have the honour to acknowledge His Excellency the Governor-General's Minute No. 31/370 (Confidential), dated 1st September last, transmitting despatch Dominions No. 373 (Confidential), dated 7th August, 1924, from the Right Honourable the Secretary of State for the Colonies and annexures regarding the recommendations of the Imperial Economic Conference relating to

- (a) the immunity from taxation of State enterprises, and
- (b) the immunity from liability of State-owned ships.

Ministers consider that the Resolutions of the Imperial Economic Conference as set out on pages 523-4 of the Record of the Proceedings should be accepted and they are prepared to take the necessary legislative steps to give effect to them on the understanding that similar legislative measures are taken by the Government of the United Kingdom of Great Britain.

Ministers have the honour to inform His Excellency that most of the draft proposals embodied in the Gothenburg Report relative to the Immunity from Liability of State-owned Ships have been included in the draft Merchant Shipping Bill, which will be submitted to Parliament as soon as the state of public business permits.

J. B. M. HERTZOG.

53438

No. 470.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th November, 1924.)

(Confidential.)

SIR, Government House, Wellington, 30th September, 1924.

WITH reference to your Confidential despatch Dominions No. 373 of the 7th August,* I have the honour to inform you that the Government of New Zealand accepts the Resolution of the Imperial Economic Conference as set out on pages 523-4 of the extract from the Proceedings in regard to (a) the immunity from taxation of State enterprises, and (b) the immunity from liability of State-owned ships.

2. The present enactment provides sufficient authority for the necessary assessments.

I have, &c.,

JELICOE,

Governor-General.

* No. 465.

58474

No. 471.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 5.0 p.m., 12th December, 1924.)

TELEGRAM.

[Answered by Nos. 472 and 473.]

(Canada.)

(Commonwealth of Australia.)

(Newfoundland.)

12TH DECEMBER. Confidential. His Majesty's Government anxious to reach decision at early date as to introduction of legislation here to give effect to Resolution of Imperial Economic Conference, 1923, regarding Immunity of State Enterprises. Hence should be glad to receive early reply to my despatch of 7th August, Confidential.* Governments of New Zealand and Union of South Africa have expressed willingness to take action on condition that necessary action is taken here: Government of Irish Free State unable to reach decision at present.—AMERY.

58991

No. 472.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.5 p.m., 16th December, 1924.)

TELEGRAM.

16TH DECEMBER. Confidential. Your despatch of 7th August, Dominions No. 373, Confidential,* immunity of State enterprises. Commonwealth Government accepts the recommendations of the Imperial Economic Conference, 1923, in favour of adoption of proposed draft Convention relating to immunity of State-owned ships.—GOVERNOR-GENERAL.

59053

No. 473.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.6 p.m., 17th December, 1924.)

TELEGRAM.

17TH DECEMBER. Confidential. Your despatch 7th August, Dominions No. 373, Confidential, my telegram 16th December.† Immunity from taxation of State enterprises. My Ministers consider that there is at present no necessity so far as the Commonwealth is concerned to legislate in the direction recommended by the Imperial Economic Conference.—GOVERNOR-GENERAL.

5. IMPERIAL POLICY WITH REGARD TO THE IMPORT AND EXPORT OF LIVESTOCK.

After consideration of this question, the Imperial Economic Conference decided that steps should be taken to promote Inter-Imperial trade in pedigree stock throughout the Empire as a whole on reciprocal terms, subject always to satisfactory precautions being taken against the introduction of disease.

It was further agreed that a Conference should be arranged between representatives of His Majesty's Government and the Canadian Government to consider the question of the administrative interpretation of the terms of "The Importation of Animals Act, 1922."

(See also Part VIII, Importation of Animals Act, 1922, pages 91 to 97.)

* No. 465.

† Nos. 465 and 472.

55010

No. 474.

CANADIAN STORE CATTLE.

Memorandum by the Minister of Agriculture.

(Received in Colonial Office, 14th November, 1923.)

1. At the meeting at the Colonial Office on the 31st ultimo, I promised to put into writing the proposals I made to meet the points raised by the Canadian representatives as to the interpretation and administration of the words in Section 1(8) of the Importation of Animals Act, 1922, which *inter alia* define store cattle as castrated or spayed animals "which are intended for feeding purposes and not for immediate slaughter."

2. It was made clear that the British Government are not prepared to propose any amendment of the Act in this respect, but they are ready and anxious to co-operate in arriving at a satisfactory settlement of the manner in which the definition should be interpreted and administered, having regard always to their responsibility to Parliament to see that the law is observed.

3. In view of that responsibility the Ministry of Agriculture cannot surrender the final word in deciding whether any particular animals come within the facilities afforded by the Act, and as to the conditions under which their movement should be licensed out of the Landing Place. But subject to this I am prepared to give instructions to the Ministry's Inspectors as follows:—

(a) In the case of any cattle which the Inspector is satisfied can reasonably be regarded as suitable for feeding for a further period of not less than 28 days before slaughter, the Inspector will on application grant a licence for their removal from the Landing Place to any special authorized market or other premises, subject only to the conditions embodied in the Schedule to the Importation of Animals Act, 1922.

(b) In the case of cattle where the Inspector is not so satisfied, the Inspector will on application either:—

(1) Grant a licence for their removal to a slaughter-house for slaughter with such conditions as may be considered necessary to secure their slaughter thereat and will not, as at present, require them to be slaughtered at the Landing Place, or

(2) If the owner of the cattle is prepared to undertake that they will be fed for not less than 28 days before slaughter, the Inspector will grant a licence for their removal to premises other than a slaughter-house, subject to such conditions as may be considered necessary to secure that the undertaking will be observed.

In either case the additional conditions imposed by the Schedule will necessarily apply.

4. Cattle for which a licence is not applied for, or in respect of which a licence cannot be granted in accordance with these instructions, will have to be slaughtered at the Landing Place as heretofore.

5. It must be understood that cattle which have not complied with the conditions applicable to stores, i.e., three days isolation and supervision in Canada and supervision by a veterinary surgeon on the ship, must continue to be landed at an imported animals wharf and not at an imported animals Landing Place, and will accordingly be slaughtered in the wharf. The Ministry has no power to allow such cattle to be moved from the wharf to a slaughter-house.

6. I make this offer with the desire of meeting as far as possible the case made by the Canadian representatives, consistently with my primary duty to safeguard the interests of British agriculturists, but I couple it with the request to the Canadian Government that they on their part will co-operate with us in carrying out the provisions of the Act, and that they will give instructions to their officers not to certify as store cattle animals which cannot reasonably be regarded as suitable for feeding for the period above referred to.

7. The Ministry of Agriculture has no desire whatever to whittle away by administrative means the privileges granted by Parliament to Canada for the importation of her store cattle, and the Ministry is confident that with goodwill on both sides the provisions of the Act can be carried out satisfactorily. It was inevitable that some difficulties would arise in the early stages, but there is every reason to hope that the trade will soon adapt itself to the conditions so that it can

be carried on to the mutual advantage of both countries. The Ministry of Agriculture will spare no effort to secure this result, and I am confident that the Canadian Department of Agriculture will do the same.

R. A. SANDERS.

Ministry of Agriculture and Fisheries,
November, 1923.

55010

No. 475.

CANADA.

MR. MACKENZIE KING (PRIME MINISTER) to SIR ROBERT SANDERS
(MINISTRY OF AGRICULTURE AND FISHERIES).

(Received in Colonial Office, 14th November, 1923.)

DEAR SIR ROBERT, The Ritz Hotel, London, 8th November, 1923.

I AM in receipt of your note of 5th November including memorandum* *re* your proposed administration of the Importation of Animals Act, 1922, in so far as it affects the admission of stores from Canada.

Your memorandum sets forth substantially the conclusions reached at the meeting in the Colonial Office on 31st October. If your inspectors carry out the instructions contained in sub-clauses 1 and 2 of Clause (b) of Section 3 of your memorandum, we believe the export of store cattle from Canada to Great Britain can be carried on with quite a measure of success, and we wish to express our appreciation of the proposed changes in administration of the Act.

In view of your Government's definite decision not to amend the law, or place the order for breeding cattle before Parliament, in accepting the proposed changes outlined in your memorandum and the proposal for reciprocal trade in pure bred cattle, we would like to have it clearly understood that Canada does not in any way abate her claim for the complete removal of the embargo against any of her cattle, and she will from time to time continue to press for the same treatment, in the matter of "Diseases of Animals," as she is accorded by other countries.

Yours sincerely,

W. L. MACKENZIE KING.

15610

No. 476.

CANADA.

MR. PACAUD (SECRETARY TO HIGH COMMISSIONER) to MR. NOEL BUXTON
(MINISTRY OF AGRICULTURE AND FISHERIES).

(Received in Colonial Office, 1st April, 1924.)

[Answered by No. 477.]

Office of the High Commissioner for Canada, Kinnaid House,
Pall Mall East, London, S.W.1, 18th March, 1924.

DEAR SIR, In the absence of Mr. Larkin, who will be away on the Continent for some weeks, I desire again to bring to your notice a matter of importance to the Canadian Government.

I understand that Mr. Larkin spoke to you a short time ago respecting the admission of breeding cattle from Canada, which at that time was, and no doubt still is, engaging the attention of His Majesty's Government in connexion with the application of the Cheshire farmers for permission to import cattle from Canada to replace some of their losses due to the ravages of foot-and-mouth disease. I gather from a statement you are reported to have made in Parliament that at that time you were unable to accede to the request of the Cheshire farmers which, if granted, would have gone behind the decisions of the Imperial Conference.

The statements attributed to you, together with newspaper comments, have been cabled to Canada, and these have been brought to my notice by the Minister of Agriculture, Ottawa.

The statements appearing in the press despatches to the effect that the matter (of the importation of breeding stock from Canada into Great Britain), does not come within the range of the agreement at the Imperial Conference whereby the

importation of pedigreed breeding animals should be reciprocal between the Old Country and the Dominions, apparently endeavours to give the impression that an agreement was reached at the recent Imperial Conference on the subject of the importation of breeding cattle. This, however, is not in accordance with the facts.

Sir Robert Sanders in his speech at a meeting of the Conference held on 26th October, 1923, gave his view of the situation, but no agreement in this connexion was reached by Canada's representatives at these meetings.

What Canada stands for, and always has stood for in this matter is the carrying out of the conditions appearing in Section 2 of the Importation of Animals Act, 1922, as quoted below:

"2. The Minister may, notwithstanding anything in the principal Act, by order authorize any Canadian animals, other than store cattle, to be landed in Great Britain without being subject to the provisions of Part 1 of the Third Schedule to the principal Act, if, in the case of any such animals being cattle, there is produced a certificate issued by a duly authorized officer of the Dominion of Canada to the effect that the animals were within one month before shipment effectively tested for tuberculosis and were found to be free therefrom, and if the animals are landed in accordance with such conditions, to be prescribed in the order, as may, in the opinion of the Minister, be necessary or expedient for the prevention of the introduction of disease, other than tuberculosis, into Great Britain."

Canada therefore repudiates the suggestion that any agreement reached on the matter of the importation of pedigreed cattle at the Imperial Conference affects in the least degree the agreement reached in connexion with the importation of non-pedigreed breeding stock at the Conference in 1922, and incorporated in the Importation of Animals Act in December of the same year.

While it is not suggested that the press despatches accurately represent your views on the subject, the matter is regarded as of such importance by my Government that they would welcome an expression of your views. At the same time they would be glad to learn that the agreement reached in 1922 between representatives of His Majesty's Government and the Canadian Government relative to the importation of non-pedigreed breeding cattle will be carried out by issuing the order authorizing the admission of Canadian cattle other than store cattle, and thus giving effect to the provisions of Section 2 of the Importation of Animals Act.

As my Government is most anxious that the agreement should be carried out I would appreciate your reply at an early date so I may advise them of your decision.

Yours faithfully,

LUCIEN PACAUD.

15610

No. 477.

CANADA.

MR. NOEL BUXTON (MINISTRY OF AGRICULTURE AND FISHERIES) to

MR. PACAUD (SECRETARY TO HIGH COMMISSIONER).

(Received in Colonial Office, 8th April, 1924.)

Ministry of Agriculture and Fisheries,

DEAR SIR, 10, Whitehall Place, S.W.1, 7th April, 1924.

I AM sorry that the remarks which I made on 25th February in the course of the debate in the House of Commons on the Diseases of Animals Bill, with regard to the offer of the Canadian Government to facilitate the supply of cattle to replace the losses of stock in Cheshire, should have given the impression that I wished to imply that the Canadian representatives at the Imperial Economic Conference had entered into any agreement as to the non-admission of ordinary

breeding cattle into this country. My object was to remove any feeling that might exist that our action in regard to that offer was in conflict either with the express terms of the resolution of the Conference or with the statement made on behalf of the British Government in the course of the discussions. The Resolution related only to pedigree cattle; and in regard to other breeding cattle my predecessor made it clear (see pages 527-8 of Cmd. 2009) that he would not be able to take any action towards promoting their admission.

I am preparing a Bill to give effect to the recommendation of the Conference as to the admission of pedigree stock. I am, however, aware both from what was said by the Canadian representatives at the Conference and from the last paragraph of Mr. Mackenzie King's letter to Sir Robert Sanders of the 8th November* relative to the meeting at the Colonial Office on the 31st October that the passing of this measure will still leave matters in a position which the Canadian Government do not regard as satisfactory; but I am afraid that in the present state of political parties in this country, and of agricultural opinion, it would be quite impossible to obtain the consent of Parliament to the admission of breeding stock other than pedigree stock, and I can therefore hold out no hope of any departure from the attitude taken up by my predecessor on this point.

Yours faithfully,

N. BUXTON.

41008

No. 478.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

[Answered by Nos. 479, 480, 482, 483, 484 and 485.]

(Canada.	} Dominions No. 436. Confidential.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Irish Free State.	
(Newfoundland.	
(Southern Rhodesia. Confidential (2).)	

[MY LORD,] [SIR,] Downing Street, 3rd September, 1924.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of an extract† from the proceedings of the Imperial Economic Conference relating to the Import and Export of Livestock.

2. I enclose also a draft Bill,‡ which has been prepared in order to give effect, so far as His Majesty's Government are concerned, to the recommendation of the Conference (on page 537 of the enclosed extract) that steps should be taken to promote inter-Imperial trade in pedigree stock, and I should be glad to learn as soon as possible whether your Ministers wish to offer any observations on the terms of the draft Bill. An explanatory memorandum on the subject of the Bill is also enclosed.

[Not to Irish Free State: 3. I should be glad to receive a telegraphic reply to this despatch.]

I have, &c.,

(for the Secretary of State),

HENRY LAMBERT.

* No. 475. † Not reprinted: see pages 526 to 537 of [Cmd. 2009]. ‡ Not printed here; see now the Importation of Pedigree Animals Act, 1925 (15 and 16 Geo. v. Ch. 30).

Enclosure in No. 478.

IMPORTATION OF PEDIGREE ANIMALS BILL.

EXPLANATORY MEMORANDUM.

To understand this draft it is necessary to refer to SS. 24 and 27 of the Diseases of Animals Act, 1894, as amended by the Diseases of Animals Act, 1896, and Part II of the Third Schedule to the Act of 1894.

Section 24 as amended by Diseases of Animals Act, 1896.

"The provisions set forth in Part I (slaughter at port of landing) of the Third Schedule to this Act shall apply to all foreign animals other than—

- (a) foreign animals, the landing of which is for the time being prohibited by order of the Board of Agriculture; and
- (b) foreign animals intended for exhibition or other exceptional purposes, and the landing of which is allowed for the time being by the Board, subject to the provisions of Part II (quarantine) of the Third Schedule to this Act."

Section 27.

"Notwithstanding anything contained in this Act or in any order of the Board of Agriculture, the Board may make such orders as they think fit for allowing the landing of any foreign animals intended for exhibition, or for other exceptional purposes, and for allowing such animals to be landed without being subject to the provisions of Part I (slaughter at port of landing) of the Third Schedule to this Act, and the provisions of Part II (quarantine) of the said Schedule shall apply to any animals so allowed to be landed."

THE THIRD SCHEDULE.

PART I.

"Slaughter at Port of Landing.

1. The animals shall be landed only at a part of a port defined for that purpose by order of the Board of Agriculture, to be called a foreign animals wharf.
2. The animals shall be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs direct.
3. The animals shall not be moved alive out of the wharf."

PART II.

"Quarantine.

1. The animals shall be landed only at a part of a port defined for that purpose by order of the Board of Agriculture, to be called a foreign animals quarantine station.
2. The animals shall be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs direct, and subject to such conditions in respect of the animals, or of the vessel from which they are landed, as the Board by order prescribe.
3. When landed the animals shall be placed in sheds or other receptacles in the quarantine station, prepared by the local authority or the owners of the quarantine station, or the consignees of animals, or other persons, and approved by the Board.
4. The animals shall not be moved out of the quarantine station except on conditions prescribed by order of the Board.
5. Notwithstanding anything in the foregoing provisions of this part of this schedule the provisions of this Act relating to slaughter in case of the existence of disease, and to compensation or other payment in respect of animals so slaughtered, and to the ownership of carcasses of such animals, shall apply to animals within a foreign animals quarantine station."

The limited power of the Minister under S.27 to admit animals for exhibition or other exceptional purposes is by the Bill extended in relation to His Majesty's Dominions so as to cover registered pedigree stock to be imported for any purpose, although naturally breeding is the purpose for which they would generally be imported. When imported, they will not be subject to Part I of the Third

Schedule to the Act, which requires slaughter on landing, but will be subject to quarantine under Part II. The period of quarantine will be entirely within the discretion of the Minister and be prescribed by the landing order.

The intention is to make Orders allowing the landing of particular animals, and not to issue a general Order allowing, e.g., the landing in Great Britain of any cattle brought from Canada which are registered in a recognized Canadian herd book.

The necessity for sub-section (3) is that S.5 of the Act of 1922 refers only to animals in an "imported animals wharf" or "approved landing place," both of which expressions have a technical meaning and might not be held to include an "imported animals quarantine station," such as would be provided for animals landed under the new Act.

Sub-section (4) is required, as the Schedule applies generally to imported animals with the exception only of animals landed "for exhibition or other exceptional purposes."

Ministry of Agriculture and Fisheries.

45383

No. 479.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.10 p.m., 22nd September, 1924.)

TELEGRAM.

22ND SEPTEMBER, Confidential. Your despatch of 3rd September, Dominions 436.* Pedigree Stock. It is reported by the Department of Agriculture, which has had the Bill in question under consideration, that it appears to be fairly satisfactory from the point of view of that Department, although certain parts of the Bill seemed to be somewhat ambiguous, particularly the last paragraph sub-section I of Section I. It is added that the Department would not be prepared at this time to recommend that admission of cattle from Great Britain without quarantine should be permitted.—BYNG.

46435

No. 480.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1.3 p.m., 30th September, 1924.)

TELEGRAM.

29TH SEPTEMBER, Your despatch of 3rd September, Dominions No. 436, Confidential.* Promotion of Inter-Imperial trade in pedigree stock. Ministers have no comments to offer on the Importation of Pedigree Animals Bill as it appears to meet the requirements of the Union of South Africa.—ATHLONE.

* No. 478.

46893

No. 481.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.0 a.m., 3rd October, 1924.)

TELEGRAM.

[Answered by No. 486.]

2ND OCTOBER. My Ministers desire to represent strong desirability for granting permit for importation of pedigree Friesland cattle from the Union into Great Britain. They point out that the Union Government allows importation of cattle from the British Isles and has even arranged for free freight under mail contract with the Union-Castle Mail Steamship Company to facilitate such importation. Union Government will, as in previous shipments, comply with such conditions as the British Government considers necessary to safeguard against disease.—ATHLONE.

49991

No. 482.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.20 a.m., 23rd October, 1924.)

TELEGRAM.

23RD OCTOBER. Your despatch of 3rd September, Dominions No. 436, Confidential.* Importation of pedigree animals from the Dominions. Commonwealth Government has no objection or observation to offer respecting the terms of the draft Bill.—GOVERNOR-GENERAL.

51429

No. 483.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.0 a.m., 1st November, 1924.)

TELEGRAM.

1ST NOVEMBER. Confidential. Your despatch of 3rd September, Dominions No. 436, Confidential.* Imports and Exports of Live Stock. Terms of draft bill are satisfactory to New Zealand Government who are gratified to know that this legislation contemplated.

* No. 478.

52661

No. 484.

THE GOVERNOR to THE SECRETARY OF STATE.

SOUTHERN RHODESIA.

(Received 6.30 a.m., 9th November, 1924.)

TELEGRAM.

7TH NOVEMBER. Your despatch 3rd September, Confidential,* forwarding copies of draft Bill regulating importation of pedigree animals. My Ministers have no amendments to suggest to the Bill, which they welcome.—CHANCELLOR.

54141

No. 485.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th November, 1924.)

(Confidential.)

SIR, Vice Regal Lodge, Dublin, 17th November, 1924.
WITH reference to Mr. Thomas's despatch of the 3rd September, Dominions No. 436, Confidential,* relative to the draft of a Bill to amend the law with respect to the landing in Great Britain of pedigree animals, I have the honour to state that my Ministers have no specific observations to offer with regard to the extension of existing powers which the Bill is intended to effect.

2. They are advised that if, as a result of the measure, the importation of overseas stock were to assume any considerable proportions, the danger of introducing foot and mouth disease or cattle plague would be appreciably increased, and that, in that event, it would be necessary for this country to regulate even more strictly than at present the importation of animals from Great Britain. They assume, however, that His Majesty's Government have not overlooked this aspect of the matter.

I have, &c.

T. M. HEALY.

55457

No. 486.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4 p.m., 2nd December, 1924.)

TELEGRAM.

(Extract.)

2ND DECEMBER. Your telegram 22nd November.† Permit for importation of consignment of Friesland cattle. Minister of Agriculture is advised that under existing legislation his power of granting permits is confined to animals imported for exhibition or other exceptional purposes. It is not thought that at present time exceptional purpose could be clearly demonstrated as was done in 1922 so as to justify issue of permit. In circumstances only possible course seems to be to await passage of Bill of which draft enclosed in my despatch 3rd September, Dominions 436, Confidential,‡ which we hope to introduce into Parliament in forthcoming session.

* No. 478.

† No. 54926; not printed; reminder.

‡ No. 478.

Z

6. IMPERIAL POLICY WITH REGARD TO FORESTRY.

It was decided to adopt the following Resolution:—

"That the Imperial Economic Conference accepts generally the Resolutions of the Empire Forestry Conference (Canada, 1923), and recommends them to the respective Governments of the Empire for their favourable consideration."

10468

No. 487.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.
(Victoria.
(New South Wales.
(Queensland.
(South Australia.
(Western Australia.
(Tasmania.
(Southern Rhodesia. No. 89.)

Dominions No. 112.)

[MY LORD,] [SIR,]

Downing Street, 12th March, 1924.

WITH reference to [Your Excellency's despatch No. 545 of the 25th of October,*] [my predecessor's despatch No. [438] [241] [306] of the 22nd November,*] [my predecessor's despatch No. 675 of the 23rd of November,*] [my predecessor's despatch No. [131] [45] [63] [79] [66] [69] [44] [70] of the 22nd of November,*] I have the honour to transmit to [Your Excellency,] [you,] [To Canada, Commonwealth, New Zealand, Union of South Africa, Irish Free State and Newfoundland: to be laid before your Ministers,] [To the rest: for the information of your Ministers,] copies of extracts† from the Report of the Proceedings of the Imperial Economic Conference relating to Forestry.

2. A further despatch will be sent in due course as regards the action taken by His Majesty's Government to give effect, so far as they are concerned, to the Resolutions passed by the Empire Forestry Conference at Ottawa last year.

[To Commonwealth only: 3. A similar despatch is being addressed to the Officers Administering the Governments of the Australian States.]

I have, &c.,

J. H. THOMAS.

17046

No. 488.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNORS.

[Answered by Nos. 489, 490, 491, 493 and 494.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.
(New South Wales.
(Victoria.
(Queensland.
(South Australia.
(Western Australia.
(Tasmania.
(Southern Rhodesia. No. 143.)

Dominions No. 189.)

[MY LORD,] [SIR,]

Downing Street, 22nd April, 1924.

WITH reference to my despatch [Dominions No. 112] [No. 89] of the 12th March,‡ regarding the resolution of the Imperial Economic Conference on

* 53201: not printed; the despatches covered copies of the Summary Report of the Empire Forestry Conference, Ottawa, 1923. The recommendations of that Conference are printed on pages 555-9 of [Cmd. 2009]. † Not printed here: see pages 538-564 of [Cmd. 2009]. ‡ No. 487.

the subject of Forestry [Not to Irish Free State or Southern Rhodesia: and to previous correspondence relative to the establishment of a Forestry Training Institution in this country,] I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of a preliminary Notice* which has been prepared regarding the Forestry Institute now being established at Oxford.

2. It is thought that the facilities for the training of Forest Officers which the Institute will provide may prove to be of use generally, and it is hoped in particular that the opportunities afforded for interchange of information between officers from different countries may be of value to all concerned.

3. In the circumstances, His Majesty's Government trust that [to all except Southern Rhodesia: the Dominion and State Governments] [to Southern Rhodesia only: your Ministers] may find it possible to support the scheme by deputing officers to attend the Institute on the terms set out in paragraphs 5 and 6 of the enclosed Notice.

4. A similar despatch has been sent to the [Not to the States or Southern Rhodesia: Officer Administering Governments of the Australian States.] [To the States only: Governor-General of the Commonwealth and the Officer Administering the Governments of the other Australian States.] [To Southern Rhodesia only: Dominions and Australian States.]

I have, &c.,

J. H. THOMAS.

26271

No. 489.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2nd June, 1924.)

(No. 211.)

SIR, Vice Regal Lodge, Dublin, 31st May, 1924.

WITH reference to your despatch of the 22nd ultimo (Dominions No. 189)† and enclosure, on the question of the Forestry Institute now being established at Oxford, I have the honour to inform you that my Ministers have considered the matter.

2. They are of opinion that the opportunities which the proposed Institute would afford to Forestry students or officers from Saorstát Éireann may be considered under two heads, viz.:—

(1) Those who have taken up a course of training in forestry, or gone through a science course in the College of Science or other Irish University or Training Institution.

(2) Forest officers already employed by the Free State who might be selected for future training, after some experience has been gained in practical work and administrative duties.

3. As regards the former class, my Ministers do not consider it probable that a student who has gone through a course of training in Ireland would be induced to take up a further course at his own expense, unless he could be assured of an appointment at its termination which would justify the outlay incurred. It is not possible at the present time to guarantee employment in the Saorstát to men possessing the qualifications attaching to such a course of training, but the Department of Agriculture can undertake to point out the advantages of the course to any graduates of Universities or Colleges intending to adopt a forestry career.

4. With regard to forestry officers at present in the employment of the Department of Agriculture, it is not considered that a course at the Institute would be of advantage to the Department. Future developments may possibly render it desirable to give forestry officers in the Department's service opportunities for further training. Should such cases arise, my Ministers would be glad to give full consideration to the question of availing of the courses proposed to be provided at the Forestry Institute.

I have, &c.,

T. M. HEALY.

* Not printed: it gave particulars as to subjects of study and terms on which students would be admitted. † No. 488.

35257

No. 490.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 25th July, 1924.)

(No. 115.)

SIR, Government House, Wellington, 24th June, 1924.
 WITH reference to your despatch Dominions No. 189 of the 22nd April,* I have the honour to inform you that my Ministers advise me that they recognize the value to Forestry of the research and methods of the proposed Forestry Institute at Oxford, and hope that at a later date the officers of the New Zealand Forest Service may be able to attend the lectures.

I have, &c.,
 JELICOE,
 Governor-General.

35859

No. 491.

SOUTHERN RHODESIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 28th July, 1924.)

(No. 210.)

SIR, Governor's Office, Salisbury (Rhodesia), 5th July, 1924.
 I HAVE the honour to refer to your despatch No. 143 of the 22nd April,* transmitting copies of a preliminary Notice which has been prepared regarding the Forestry Institute now being established at Oxford.

2. I am informed by my Ministers that at present the Forestry Service of the Colony is very small. It consists of two qualified technical officers, the first appointment having been made in 1920. In the course of time the Forestry Department of the Colony will doubtless expand, and opportunities will occur for the Government to support the Forestry Institute at Oxford by deputing officers to attend courses, but at present, with a Forest Service in its infancy, it is scarcely possible for this Government to guarantee any definite support. Nevertheless, the value of such training and refresher courses as are proposed is fully recognized, and in the event of any officer of the Forest Service wishing to avail himself of long leave to take a special course of study as indicated in the preliminary Notice accompanying your despatch every facility will be given him by this Government to do so.

I have, &c.,
 J. R. CHANCELLOR,
 Governor.

36909

No. 492.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.
 Commonwealth of Australia.
 New Zealand.
 Union of South Africa.
 Irish Free State.
 Newfoundland.
 New South Wales.
 Victoria.
 Queensland.
 South Australia.
 Western Australia.
 Tasmania.
 Southern Rhodesia. No. 301.)

Dominions No. 362.)

[MY LORD,] [SIR,]

Downing Street, 2nd August, 1924.

WITH reference to my despatch [Dominions No. 189] [No. 143] of the 22nd of April* [to New Zealand only: and to Your Excellency's despatch No. 115 of the

* No. 488.

24th of June,*) [To Irish Free State only: and to Your Excellency's despatch No. 211 of the 31st of May,†] [To Southern Rhodesia only: and to your despatch No. 210 of the 5th of July,‡] on the subject of the Forestry Institute at Oxford, I have the honour to request [Your Excellency,] [you,] to inform your Ministers that it has now been decided that the Institute, under the title of the Imperial Forestry Institute, should start work at Oxford in October next.

2. I enclose, for the information of your Ministers, copies of the Syllabus§ of Courses of Study at the Institute for the year October, 1924, to September, 1925.

3. A similar despatch is being sent to [not to States or Southern Rhodesia: the Officers Administering the Governments of the Australian States.] [To States only: the Governor-General of the Commonwealth and the Officers Administering the Governments of the other Australian States.] [To Southern Rhodesia only: the Dominions and Australian States.]

I have, &c.,
 J. H. THOMAS.

38089

No. 493.

VICTORIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 11th August, 1924.)

(No. 27.)

SIR, State Government House, Melbourne, 1st July, 1924.
 WITH reference to your despatch Dominions No. 189 of the 22nd April last,|| I have the honour to inform you that, whilst my Ministers welcome the establishment of a Forestry Training Institution at Oxford, they find it impracticable at present to depute any officers to attend the Institute. They hope, however, that later on it may be possible to take advantage of the facilities offered.

I have, &c.,
 STRADBROKE.

38116

No. 494.

TASMANIA.

THE ACTING GOVERNOR TO THE SECRETARY OF STATE.

(Received 11th August, 1924.)

(No. 25.)

SIR, Government House, Hobart, Tasmania, 25th June, 1924.
 WITH reference to your despatch Dominions No. 189 of the 22nd April last,|| in which you transmitted to me, to be laid before my Ministers, copies of a preliminary Notice which has been prepared regarding the Forestry Institute now being established at Oxford.

2. My Ministers regret that this State will not be in a position to send a representative to the Conference on Forestry during the years 1924-25, but hopes to do so at a later period.

I have, &c.,
 HERBERT NICHOLLS,
 Administrator.

* No. 490. † No. 489. ‡ No. 491. § Not printed. || No. 488.

7. WORKMEN'S COMPENSATION.

It was decided to adopt the following Resolutions:—

Resolution I.

Non-Resident Workmen.

"That this Imperial Economic Conference, taking note of the existing restrictions in the Workmen's Compensation laws of certain parts of the British Empire on the payment of benefits to workmen and their dependants on the ground of non-residence in the State in which the accident happened, and having regard to the tendency of such restrictions to discourage movement within the Empire, is of opinion that no British subject who is permanently incapacitated, and no dependant of a British subject who has been killed, by accident due to his employment in any part of the Empire should be excluded from any benefit to which he would otherwise be entitled under the Workmen's Compensation law of that part of the Empire on the ground of his removal to or residence in another part of the Empire."

Resolution II.

Seamen.

"That this Imperial Economic Conference, having had its attention drawn to cases where British sailors injured by accident while serving on ships registered in some part of the Empire have had no claim to compensation owing to the law of that part of the Empire being restricted, in its application to seamen, to accidents occurring within territorial waters or other limited area, is of opinion that the Government of any such part of the Empire should ensure that the benefits of its compensation law will extend to all accidents to seamen serving on ships registered within such part of the Empire wherever the ship may be when the accident takes place. And, furthermore, the Conference invites the Government of any British Colony or Protectorate where there is a register of shipping, but where legislation giving compensation rights to seamen does not at present exist, to consider the adoption of such legislation."

Resolution III.

Aliens.

That this Imperial Economic Conference, taking note of the disabilities imposed under the workmen's compensation laws of certain foreign countries on British subjects residing in those countries and their dependants, invites each Government of the Empire, regard being had to its own particular conditions, to consider the possibility of adopting in workmen's compensation legislation the principle of reciprocity—that is that the benefits of such legislation should be accorded to subjects of foreign countries upon the condition that and to the extent to which such foreign countries accorded reciprocal treatment to British subjects.

The Conference notes in adopting the foregoing resolutions that in certain of the Dominions workmen's compensation falls wholly or partially within provincial or State jurisdiction, and is in those cases and to that extent outside the control of the Dominion Government.

55139

No. 495.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.
(Victoria.
(New South Wales.
(Queensland.
(South Australia.
(Western Australia.
(Tasmania.
(Southern Rhodesia. No. 114.)

Dominions No. 155.)

[My LORD,] [SIR,]

Downing Street, 2nd April, 1924.

[To Canada, Commonwealth of Australia, New Zealand, Union of South Africa and Newfoundland:—With reference to my predecessor's despatch Dominions No. 460 of the 6th of December.*] [To Irish Free State: With reference to my predecessor's despatch No. 719 of the 14th of December.*] [To Southern Rhodesia: With reference to my predecessor's despatch No. 101 of the 6th of December,*] I have the honour to request [Your Excellency,] [you,] to invite your Ministers' attention to the Resolutions of the Imperial Economic Conference on the subject of Workmen's Compensation.

2. Copies of the relevant extracts from the Record of Proceedings of the Conference are enclosed.†

3. The position, so far as His Majesty's Government are concerned, is, as regards Resolution I of the Conference, that under the Workmen's Compensation legislation in force in this country, provision is made for the payment of compensation to permanently disabled workmen going to reside abroad, and no restriction is imposed as regards residence in the case of dependants; and, as regards Resolution II, that compensation is payable for injuries arising from accidents on a British ship, as defined in the Workmen's Compensation Act, 1906, wherever the ship may be at the time of the accident.

4. In view of the fact that a proposal for an International Convention, providing for reciprocity in Workmen's Compensation, is one of the subjects on the Agenda for the next International Labour Conference to be held at Geneva in June, His Majesty's Government propose to defer further consideration of any action to be taken by them under Resolution III, until after that Conference. In this connexion the enclosed copy‡ of the reply of His Majesty's Government to the questionnaire prepared by the International Labour Office on the subject of "Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents," may be of interest to your Ministers.

5. It will be observed that provision for giving effect to reciprocal arrangements entered into with foreign countries on the subject of Workmen's Compensation is made by Section 26 of the Workmen's Compensation Act, 1923 (13 and 14 Geo. V, Ch. 42) [of which a copy is enclosed.] [of which a copy was enclosed in my predecessor's despatch under reference.]

[To Commonwealth only: 6. A similar despatch is being addressed to the Officers Administering the Governments of the Australian States.]

I have, &c.,

J. H. THOMAS.

* No. 58200: not printed; it forwarded copies of the Workmen's Compensation Act, 1923 (13 and 14 Geo. V, chap. 42). † Not reprinted: see pages 565-9 of [Cmd. 2009]. ‡ Not printed

here: see 13291/24 and Report II prepared by International Labour Office, Geneva, for consideration at Sixth Session of International Labour Conference at Geneva, in June, 1924.

14299

No. 496.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 145.)

MY LORD,

Downing Street, 2nd April, 1924.

WITH reference to my despatch Dominions No. 155 of even date,* I have the honour to request Your Excellency to invite the attention of your Ministers to the memorandum† (No. I.E. (W) 2, a copy of which is enclosed for convenience of reference), laid before the Workmen's Compensation Committee of the Imperial Economic Conference, summarizing the legislation in force in the Dominions in regard to the position of non-residents and seamen in respect of Workmen's Compensation.

2. It appears from this memorandum that the practice in certain of the Canadian Provinces is not at present altogether in accord with the principles set out in Resolutions I and II of the Conference on the subject.

3. His Majesty's Government hope, however, that in the light of the views expressed at the Conference, the principles embodied in these Resolutions may prove acceptable to the Canadian Provinces.

I have, &c.,

J. H. THOMAS.

Secretariat Note.—Copies of [Cmd. 2292] containing the text of a draft Convention concerning equality of treatment for national and foreign workers as regards Workmen's Compensation for Accidents adopted by a Provisional Vote of the International Labour Conference at its Sixth Session at Geneva in June, 1924, were sent to the Dominions and Southern Rhodesia by despatch Dominions No. 596 (Southern Rhodesia No. 540) of the 30th December, 1924. (59499/24.)

8. IMPERIAL ECONOMIC COMMITTEE.

It was decided to adopt the following resolution:—

That in the opinion of this Imperial Economic Conference (Canada dissenting)—

(1.) It is desirable to establish an Imperial Economic Committee, comprising representatives of the Governments represented in the Imperial Conference, and responsible to those Governments.

(2.) The function of the Committee should be to consider and advise upon any matters of an economic or commercial character, not being matters appropriate to be dealt with by the Imperial Shipping Committee, which are referred to it by any of the constituent Governments, provided that no question which has any reference to another part of the Empire may be referred to the Committee without the consent of that other part of the Empire.

It was further decided that in the constitution of the proposed Imperial Economic Committee representation should be allotted to the various constituent Governments as follows:—

Great Britain	...	...	4 members.
Dominions	...	...	2 members each.
India	...	...	2 members.
Colonies and Protectorates	...	...	2 members.

8447

No. 497.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 2.45 p.m., 20th February, 1924.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

20TH FEBRUARY. Confidential. His Majesty's Government have given careful consideration to Resolution of Imperial Economic Conference in favour of

* No. 495.

† Not printed here.

establishment of a standing Economic Committee. They have come to conclusion, particularly in view of fact that Conference itself did not reach unanimity on subject, that a Committee of the kind contemplated with general terms of reference would not really assist co-operation between the Governments.

They feel that in all the circumstances they cannot support adoption of recommendation, and they propose to make statement to this effect in reply to question in House of Commons on 25th February.—THOMAS.

8447

No. 498.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 21st February, 1924.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a telegram* to the other self-governing Dominions intimating the inability of His Majesty's Government to support the adoption of the resolution of the Imperial Economic Conference recommending the establishment of a standing Economic Committee.

I have, &c.,

J. H. THOMAS.

11710

No. 499.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.45 a.m., 7th March, 1924.)

TELEGRAM.

[Answered by No. 500.]

7TH MARCH. Following from my Prime Minister:—

Begins: Greatly surprised to learn on arrival in Australia that press cables from England definitely state that you announced in the House of Commons Government was against the appointment of Economic Committee and that it had come to this decision without consulting the Dominions because there was no time to do so. In view of the promise made that all recommendations of the Economic Conference would be submitted to a non-party vote in the House of Commons I cannot believe that you, on behalf of the Government, have taken the definite line against the Economic Committee communicated by the press cable which obviously must prejudice the decision in Parliament. *Ends.*

—FORSTER.

11710

No. 500.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.20 p.m., 10th March, 1924.)

TELEGRAM.

YOUR telegram 7th March.† Economic Committee. Following for your Prime Minister:—

Begins: I am very sorry if you should think that we have adopted procedure in connexion with proposed Economic Committee which conflicts in any way with our declared attitude as to method of dealing with the Resolutions of the Imperial Economic Conference. It is fully understood

* No. 497.

† No. 499.

that opportunity will be afforded by Government for discussion in House of Commons of question of Economic Committee as of all other resolutions of Conference. But it was always our intention, as Prime Minister announced in House of Commons on 12th February, in each case to indicate our views regarding the resolutions while leaving decision to House, and this intention has already been carried out in case of other Resolutions, e.g., Financial Assistance to Development, see my telegram of 20th February.* As regards Economic Committee we had carefully considered question in Cabinet 18th February, and came to conclusion set out in my telegram of 20th February to Governor-General, Confidential.† You will see that this message was sent five days in advance of any public announcement: but as question was put down on 19th February quite independently of Cabinet discussion for answer in House of Commons on 25th February, we felt bound on latter date to make our position clear. *Ends.*

—THOMAS.

8107

No. 501.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.)

Dominions No. 111.)

[MY LORD,] [SIR,]

Downing Street, 11th March, 1924.

WITH reference to previous correspondence relating to an Imperial Economic Committee, I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of a question asked in the House of Commons on the 25th of February, and of the reply given as to the attitude of His Majesty's Government to the proposed Committee.

I have, &c.,
J. H. THOMAS.

Enclosure in No. 501.

HOUSE OF COMMONS,

25th February, 1924.

(Extract.)

Imperial Economic Committee.

DR. CHAPPLE asked the Secretary of State for the Colonies whether he has come to any decision upon the functions and scope of the Imperial Economic Committee; and whether he has made any selection of British representatives?

MR. THOMAS: After careful consideration, His Majesty's Government have come to the conclusion, particularly in view of the fact that the Imperial Economic Conference itself did not reach unanimity on the subject, that a standing Economic Committee with general terms of reference would not really assist co-operation between the Governments. They feel that, in all the circumstances, they cannot support adoption of the recommendation.

* No. 282.

† No. 497.

29443

No. 502.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 12.0 p.m., 19th June, 1924.)

TELEGRAM.

[Answered by Nos. 504, 505, 509, 512, 518, and 521.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

19TH JUNE. Since my telegram of 20th February* His Majesty's Government have given further consideration to question of proposed Economic Committee. As I intimated in my speech in the House of Commons in the course of this week's debate on the Preference proposals of last year, we have come to feel that there are economic matters of great importance to the Empire needing investigation which do not raise controversial questions of fiscal policy. If there were general agreement that any of these matters should be examined, we would gladly co-operate.

Our idea would be that, if all the Governments were willing, a Committee should now be set up with one definite reference in the first instance so framed as to exclude tariff issue and that the question of continuing the Committee in being or entrusting further investigation to a similar Committee should be decided by the Governments of the Empire in the light of the experience gained in the course of the first investigations.

Would your Government be willing to participate in establishment of Committee on these lines, membership of which would be as proposed at the Imperial Economic Conference, viz., Great Britain 4, Dominions 2 each, India 2, Colonies and Protectorates 2. If so, we suggest that Committee should deal with the very important question of marketing of Oversea produce in this country, terms of reference being as follows:—

"To consider the possibility of improving the methods of preparing for market, and of marketing within the United Kingdom, the food products of the overseas parts of the Empire, with a view to increasing the consumption of such products in the United Kingdom and promoting the interests both of producers and consumers."

We should contemplate that Committee would concentrate its attention first on meat and fruit.

I may add that it would be intention of His Majesty's Government, in event of Committee being appointed, to choose its own representatives solely with reference to their qualifications for inquiry of such a character.

Similar telegram sent to other Dominions and to India.—THOMAS.

29443

No. 503.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 382.)

SIR,

Downing Street, 20th June, 1924.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a telegram† to the other Self-Governing Dominions regarding the suggested establishment of a Committee, constituted as contemplated in Resolution 8 of the Imperial Economic Conference, 1923, to deal with the marketing of overseas produce in this country.

2. His Majesty's Government would be glad to know your Ministers' views as regards participation on the part of the Irish Free State in the establishment of such a Committee.

I have, &c.,
J. H. THOMAS.

* No. 497. † No. 502.

30300

No. 504.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.32 a.m., 25th June, 1924.)

TELEGRAM.

25TH JUNE. Following from my Prime Minister:—

Begins: Your telegram of 20th [19th] June.* My Government agrees that there are economic matters of great importance to the Empire requiring investigation which need not raise controversial questions of fiscal policy. As I particularly stressed this point at the Imperial Economic Conference and moved the resolution for appointment of an Economic Committee, the decision of His Majesty's Government as indicated by your telegram is warmly welcomed. I also agree that the question of continuance of the proposed Committee could be decided after the first investigation had demonstrated its utility. The constitution of the Committee is approved, but I suggest that, if those Governments of the Empire that are particularly concerned with the problems in the terms of reference agree, constitution and functioning of the Committee should not be dependent upon acceptance of all Governments. My Government agrees to the terms of reference within which it is assumed all methods other than fiscal for assisting both producer and consumer would come. *Ends.*

—GOVERNOR-GENERAL.

31503

No. 505.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.22 p.m., 2nd July, 1924.)

TELEGRAM.

2ND JULY. Your telegram of 19th June* regarding the advisability of investigating certain Inter-Imperial economic questions and proposing the establishment of joint Committee to investigate the marketing of overseas produce in Britain beginning with the consideration of meat and fruit with tariff issues excluded.

When the Imperial Economic Committee proposal was under consideration at the recent Imperial Conference the Canadian representatives expressed readiness to co-operate in inquiry into feasible methods of increasing Inter-Imperial trade to common advantage, but did not consider advisable the appointment of permanent London Committee with fixed personnel to consider the varied economic questions. This is still the position of Canadian Government. Present proposal for *ad hoc* committee to consider specific question of marketing overseas produce in Britain has approval of my Ministers.

Government is ready to investigate any possible means of increasing extent and economic efficiency of such trade and is prepared to appoint representatives with special reference to meat and fruit, but assumes that consideration can later be given to other produce of interest to Canadian producers and British consumers, in which case it may prove desirable to vary in parts the personnel of the representatives. My Ministers assume that Committee would report to the several Governments and that all would share proportionately in cost of inquiries. As to suggestions of future action Canadian Government will be prepared, particularly if proposed marketing committee proves successful, to suggest or consider appointment of other *ad hoc* committees to deal as they arise with specific economic questions considered to be of joint interest.—BYNG.

* No. 502.

30300

No. 506.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. Confidential (2).)
(New Zealand. Confidential.)
(Union of South Africa. Confidential (2).)
(Irish Free State. Confidential (2).)
(Newfoundland. Confidential (2).)

MY LORD,

Downing Street, 3rd July, 1924.

WITH reference to my [Not to Irish Free State: telegram of the 19th of June,*] [To Irish Free State only: despatch No. 382 of the 20th June,†] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a telegram‡ from the Governor-General of the Commonwealth of Australia regarding the establishment of an Imperial Economic Committee.

2. A similar despatch is being addressed to the Governors-General of [To Canada: New Zealand, the Union of South Africa, and the Irish Free State, and the Governor of Newfoundland.] [To New Zealand: Canada, the Union of South Africa, and the Irish Free State, and the Governor of Newfoundland.] [To the Union of South Africa: Canada, New Zealand, and the Irish Free State, and the Governor of Newfoundland.] [To Irish Free State: Canada, New Zealand, and the Union of South Africa, and the Governor of Newfoundland.] [To Newfoundland: Canada, New Zealand, the Union of South Africa, and the Irish Free State.]

I have, &c.,

J. H. THOMAS.

31503

No. 507.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland. } Confidential.)

SIR,

Downing Street, 10th July, 1924.

WITH reference [To Australia only: to your telegram of the 25th of June,‡] [Not to Australia: to my despatch of the 3rd July Confidential (2),§] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a telegram|| from the Governor-General of Canada regarding the establishment of an Imperial Economic Committee.

2. A similar despatch is being addressed to the Governors-General of [To Australia only: New Zealand, the Union of South Africa, and the Irish Free State, and the Governor of Newfoundland.] [To New Zealand only: the Commonwealth of Australia, the Union of South Africa, and the Irish Free State, and the Governor of Newfoundland.] [To Union of South Africa only: the Commonwealth of Australia, New Zealand, and the Irish Free State, and the Governor of Newfoundland.] [To Irish Free State only: the Commonwealth of Australia, New Zealand, and the Union of South Africa, and the Governor of Newfoundland.] [To Newfoundland only: the Commonwealth of Australia, New Zealand, the Union of South Africa, and the Irish Free State.]

I have, &c.,

J. H. THOMAS.

* No. 502. † No. 503. ‡ No. 504. § No. 506. || No. 505.

36374

No. 508.

IRISH FREE STATE.

OFFICE OF THE HIGH COMMISSIONER to COLONIAL OFFICE.

(Received 31st July, 1924.)

[Answered by No. 511.]

York House, 15, Regent Street, London, S.W.1.

30th July, 1924.

SIR,

I AM directed by the High Commissioner to refer to Confidential despatch of 10th July, 1924,* on the establishment of a Standing Economic Committee, and to inquire, with reference to the following sentence in the telegram from the Governor-General of Canada: "My Ministers assume that Committee would report to the several Governments and that all would share proportionately in cost of inquiries," whether any definite arrangement has been arrived at with regard to the contribution, if any, payable by the Dominions towards the finances of the proposed Committee.

I am, &c.,

L. S. KIERNAN,

Secretary.

37246

No. 509.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.25 p.m., 5th August, 1924.)

TELEGRAM.

5TH AUGUST. Your telegram of 19th June,† proposed establishment of an Imperial Economic Committee. Ministers state that the Union Government approve of Committee on the lines suggested and have nominated Mr. A. Canham, Trade Commissioner for the Union in London, to represent the Union of South Africa.—ATHLONE.

37246

No. 510.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Irish Free State.

(Newfoundland.

Confidential.)

[MY LORD.] [SIR.]

Downing Street, 13th August, 1924.

WITH reference to [To Canada only: Your Excellency's telegram of the 2nd of July,‡] [To all except Canada: Mr. Thomas's Confidential despatch of the 10th of July,§] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a telegram|| from the Governor-General of the Union of South Africa regarding the establishment of an Imperial Economic Committee.

2. A similar despatch is being addressed to the Governors-General of [To Canada only: the Commonwealth of Australia, New Zealand and the Irish Free State, and the Governor of Newfoundland.] [To Australia only: Canada, New Zealand and the Irish Free State, and the Governor of Newfoundland.] [To New Zealand only: Canada, the Commonwealth of Australia, and the Irish Free State, and the Governor of Newfoundland.] [To Irish Free State only: Canada,

* No. 507. † No. 502. ‡ No. 505. § No. 507. || No. 509.

the Commonwealth of Australia and New Zealand, and the Governor of Newfoundland.] [To Newfoundland only: Canada, the Commonwealth of Australia, New Zealand and the Irish Free State.]

[To Irish Free State only: 3. I take this opportunity of enclosing a copy of correspondence* with the High Commissioner for the Irish Free State regarding the finances of the proposed Committee. I should be glad to receive, as soon as possible, a reply to Mr. Thomas's despatch of 20th June.†]

I have, &c.,

(for the Secretary of State).

ARNOLD.

37246

No. 511.

IRISH FREE STATE.

COLONIAL OFFICE to OFFICE OF THE HIGH COMMISSIONER.

SIR,

Downing Street, 13th August, 1924.

I AM directed by the Secretary of State to acknowledge the receipt of your letter of the 30th July‡ regarding the establishment of an Economic Committee, and to request you to inform the High Commissioner that, pending the receipt of replies from all the Dominions concerned to the Secretary of State's telegram of the 19th June,§ it does not appear possible to arrive at any decision with regard to the suggestion of the Canadian Government as to allocation of the cost of the proposed Committee. In any event, however, it is thought that the Committee's investigations should not involve any considerable expenditure, at any rate so far as the initial investigation proposed is concerned.

2. I am to enclose a copy of a further despatch|| to the Governor-General of the Irish Free State on this subject.

I am, &c.,

C. T. DAVIS.

38955

No. 512.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.15 a.m., 15th August, 1924.)

TELEGRAM.

15TH AUGUST. New Zealand Government are willing to participate in the establishment of an Imperial Economic Committee on the lines laid down in your telegram 19th June.§ They concur in the proposed basis of Membership of such Committee and approve of the terms of reference dealing with important questions of marketing in the United Kingdom of produce from the overseas parts of the Empire.—JELlicoe.

39489

No. 513.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.40 a.m., 17th August, 1924.)

TELEGRAM.

[Answered by No. 515.]

17TH AUGUST. Following from my Prime Minister:—

Begins: I refer to your telegram 19th June,§ in which you state that your Government was giving further consideration to the question of the proposed Economic Committee and that, provided Dominion Governments

* Nos. 508 and 511. † No. 503. ‡ No. 508. § No. 502. || No. 510.

were willing, Committee could be set up with a definite reference so framed as to exclude tariff issue and that the question of continuing the Committee would be decided by the Governments of the Empire in the light of experience gained during the course of the first investigation. You further suggested that the Committee should deal with the very important question of marketing overseas produce and concentrate its attention first on meat and fruit. To this my Government replied that we warmly welcomed your proposal. Since that date we have received no further information from you except that contained in despatch dated 10th July* which indicates that Canada has likewise agreed to the appointment of the Committee. As the telegram from Canada was dated 2nd July,† more than a month has passed and nothing has apparently been done. In view of the general agreement on the question of the recognition of the importance of the matters to be discussed, this delay appears inexplicable. Shall be glad to have the views of your Government as to when you contemplate taking such action as will give effect to proposals outlined and agreed upon. Ends.

—GOVERNOR-GENERAL.

38955

No. 514.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(Union of South Africa.
(Irish Free State.
(Newfoundland.) } Confidential.)

[My LORD,] [SIR,]

Downing Street, 19th August, 1924.

WITH reference to [To all except Union of South Africa: my Confidential despatch of the 13th August,‡] [To Union of South Africa only: Your Excellency's telegram of the 5th August,§] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a telegram|| from the Governor-General of New Zealand regarding the establishment of an Imperial Economic Committee.

2. A similar despatch is being addressed to the Governors-General of [To Canada only: the Commonwealth of Australia, the Union of South Africa and the Irish Free State, and the Governor of Newfoundland.] [To Australia only: Canada, the Union of South Africa and the Irish Free State, and the Governor of Newfoundland.] [To the Union of South Africa only: Canada, the Commonwealth of Australia and the Irish Free State, and the Governor of Newfoundland.] [To Irish Free State only: Canada, the Commonwealth of Australia and the Union of South Africa, and the Governor of Newfoundland.] [To Newfoundland only: Canada, the Commonwealth of Australia, the Union of South Africa and the Irish Free State.]

I have, &c.,

(for the Secretary of State).

HENRY LAMBERT.88

39489

No. 515.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 2.50 p.m., 21st August, 1924.)

TELEGRAM.

[Answered by No. 522.]

YOUR telegram of 17th August.¶ Following for your Prime Minister:—

Begins: I am sorry that you are disappointed at slow progress of arrangements for proposed Economic Committee. Other Dominions were

* No. 507. † No. 505. ‡ No. 510. § No. 509. || No. 512. ¶ No. 513.

furnished with copy of your message of 25th June* at the time, but, before replying to penultimate sentence, we thought that all ought to have an opportunity of saying whether they desired to be represented on the Committee or not. Replies from other Dominions are still incomplete, but you will like to know that both New Zealand and Union of South Africa have recently agreed to nominate representatives (see my Confidential despatches of 13th and 19th August†). There remain Irish Free State and Newfoundland, whose answers we hope to get soon.

No communication yet received from India. It was announced in Parliament at end of June that if Committee appointed, representatives of Colonies would be included.

Am sending copy of your message of 17th August‡ and this reply to other Dominions by mail. Ends.

—SECRETARY OF STATE FOR THE COLONIES.

39489

No. 516.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada. Confidential (2).
(New Zealand.
(Union of South Africa.
(Irish Free State.
(Newfoundland.) } Confidential.)

[My LORD,] [SIR,]

Downing Street, 22nd August, 1924.

WITH reference to [To all except New Zealand: my Confidential despatch of the 19th August,§] [To New Zealand only: Your Excellency's telegram of the 15th August,||] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of further telegraphic correspondence¶ with the Governor-General of the Commonwealth of Australia regarding the establishment of an Imperial Economic Committee.

2. A similar despatch is being addressed to the Governors-General of [To Canada only: New Zealand, the Union of South Africa and the Irish Free State, and the Governor of Newfoundland.] [To New Zealand only: Canada, the Union of South Africa and the Irish Free State, and the Governor of Newfoundland.] [To Union of South Africa only: Canada, New Zealand, and the Irish Free State, and the Governor of Newfoundland.] [To Irish Free State only: Canada, New Zealand and the Union of South Africa, and the Governor of Newfoundland.] [To Newfoundland only: Canada, New Zealand, the Union of South Africa, and the Irish Free State.]

I have, &c.,
(for the Secretary of State).

HENRY LAMBERT.

41537

No. 517.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Sent 3.20 p.m., 12th September, 1924.)

TELEGRAM.

[Answered by No. 518.]

12TH SEPTEMBER. Confidential. My despatch 22nd August, Confidential** Proposed Economic Committee. Should be glad to receive as soon as possible expression of your Government's views as to participation in Committee.— SECRETARY OF STATE FOR THE COLONIES.

* No. 504. † Nos. 510 and 514. ‡ No. 513. § No. 514. || No. 512. ¶ Nos. 513 and 515. ** No. 516.

43604

No. 518.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.46 a.m., 13th September, 1924.)

TELEGRAM.

12TH SEPTEMBER. With reference to your telegram* of this date, proposed Economic Committee. In despatch No. 92 of 2nd September† I informed you that my Ministers have no objection to make to the proposals set forth in your telegram of 19th June,‡ but do not desire at present to appoint representative(s).—ALLARDYCE.

41537

No. 519.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR, Downing Street, 13th September, 1924.
WITH reference to my Confidential despatch of the 22nd August,§ I have the honour to request Your Excellency to inform your Ministers that His Majesty's Government would be grateful if they could receive as soon as possible an expression of your Ministers' views as to participation in the proposed Economic Committee.

I have, &c.,
(for the Secretary of State),
ARNOLD.

43604

No. 520.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada.	} Confidential.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Irish Free State.	

[MY LORD,] [SIR,] Downing Street, 16th September, 1924.

WITH reference to my Confidential despatch of the [22nd of August,§] [19th of August,||] [22nd of August,§] [22nd of August,§] [13th of September,¶] I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a telegram** from the Governor of Newfoundland on the subject of the establishment of an Imperial Economic Committee.

2. A similar despatch is being addressed to the Governors-General of [To Canada only: the Commonwealth of Australia, New Zealand, the Union of South Africa and the Irish Free State.] [To Australia only: Canada, New Zealand, the Union of South Africa and the Irish Free State.] [To New Zealand only: Canada, the Commonwealth of Australia, the Union of South Africa and the Irish Free State.] [To Union of South Africa only: Canada, the Commonwealth of Australia, New Zealand and the Irish Free State.] [To Irish Free State only: Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa.]

I have, &c.,
(for the Secretary of State),
ARNOLD.

* No. 517. † No. 521. ‡ No. 502. § No. 516. || No. 514. ¶ No. 519.
** No. 518.

44250

No. 521.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 18th September, 1924.)

(No. 92.)

SIR, Government House, St. John's, 2nd September, 1924.
WITH reference to your code telegrams of the 19th June* and 8th August† respecting the establishment of an Economic Committee for the improvement of marketing within the United Kingdom of food products of overseas parts of the Empire, I have the honour to inform you that my Ministers have no objection to make to the proposals set forth in your telegram of the 19th June, but they do not desire at present to appoint representatives to the proposed Committee.

I have, &c.,
W. L. ALLARDYCE.

46588

No. 522.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.44 a.m., 1st October, 1924.)

TELEGRAM.

[Answered by No. 523.]

1ST OCTOBER. Following from my Prime Minister:—

Begins: Further (to) your telegram of 19th June.* Imperial Economic Committee. It is noted that Canada, New Zealand, South Africa and Australia, the Dominions most vitally concerned in the problems with which the proposed Committee will deal, have expressed their willingness to participate. Newfoundland, Irish Free State and India have not replied, which after such long delay plainly suggests that while they are not opposed to the immediate appointment of the Committee their interests are so little concerned that they are indifferent. In these circumstances my Government will be glad to learn whether your Government, which has already expressed its appreciation of the importance of marketing problems and its intention to co-operate, will take early steps to constitute the Committee, thus giving effect to the resolution of the Imperial Economic Conference and subsequent request of the four great Oversea Dominions. Ends.

—FORSTER.

46588

No. 523.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.30 p.m., 2nd October, 1924.)

TELEGRAM.

YOUR telegram of 1st October.‡ Please inform your Prime Minister that I hope to let him have very shortly definite proposals regarding measures necessary for constituting Economic Committee. Since my telegram of 21st August,§ intimation received that India will be represented. Newfoundland has no objection to proposals but does not desire to appoint representatives at present.—THOMAS.

* No. 502. † Not printed: reminder. ‡ No. 522. § No. 515.

46588

No. 524.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.	} Confidential.)
(New Zealand.	
(Union of South Africa.	
(Irish Free State.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 6th October, 1924.

WITH reference to [*To Canada only*: my despatch, Confidential, No. 2] [*To others*: my Confidential despatch] of 22nd August,* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of further telegraphic correspondence† with the Governor-General of the Commonwealth of Australia regarding the establishment of the proposed Imperial Economic Committee.

2. A similar despatch is being sent to the Governors-General of [*To Canada*: New Zealand, the Union of South Africa and the Irish Free State, and to the Governor of Newfoundland.] [*To New Zealand*: Canada, the Union of South Africa and the Irish Free State, and to the Governor of Newfoundland.] [*To Union of South Africa*: Canada, New Zealand and the Irish Free State, and the Governor of Newfoundland.] [*To Irish Free State*: Canada, New Zealand and the Union of South Africa, and the Governor of Newfoundland.] [*To Newfoundland*: Canada, New Zealand, the Union of South Africa, and the Irish Free State.]

I have, &c.,

J. H. THOMAS.

49974

No. 525.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 23rd October, 1924.)

[Answered by No. 528.]

(Confidential.)

SIR,

Vice Regal Lodge, Dublin, 22nd October, 1924.

I HAVE the honour to refer to your Confidential despatch of the 6th instant‡ and to previous despatches on the subject of the proposed Imperial Economic Committee.

2. My Ministers understand that it is now intended to set up a Committee on the basis suggested in the telegram§ from the Governor-General of the Commonwealth of Australia of which a copy was transmitted with your despatch of the 22nd August,* to deal with the question of marketing overseas produce, particularly meat and fruit.

3. Should the proposal materialize, my Ministers desire to be represented on the Committee by the High Commissioner of Saorstát Éireann in London, on the understanding that his place on the Committee could be taken by a technical member of his staff whenever such a procedure should appear to be desirable. It is presumed that no expense would be incurred by Saorstát Éireann.

4. If it is contemplated, however, that the Committee should engage on the investigation of other important matters, and that as a result expenditure would be incurred, my Ministers would require to have an approximate estimate of their possible liability in the matter before they could commit themselves to providing the necessary provision for this purpose from public funds.

I have, &c.,

T. M. HEALY.

* No. 516. † Nos. 522 and 523. ‡ No. 524. § No. 513.

49974

No. 526.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.	} Confidential.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 28th October, 1924.

WITH reference to [*Not to Australia*: my Confidential despatch of the 6th October,*] [*To Australia only*: my telegram of the 2nd October,†] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a despatch‡ from the Governor-General of the Irish Free State regarding the establishment of the proposed Imperial Economic Committee.

2. A similar despatch is being sent to the Governors-General of [*To Canada*: the Commonwealth of Australia, New Zealand and the Union of South Africa, and the Governor of Newfoundland.] [*To Australia*: Canada, New Zealand and the Union of South Africa, and the Governor of Newfoundland.] [*To New Zealand*: Canada, the Commonwealth of Australia and the Union of South Africa, and the Governor of Newfoundland.] [*To Union of South Africa*: Canada, the Commonwealth of Australia, and New Zealand, and the Governor of Newfoundland.] [*To Newfoundland*: Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa.]

I have, &c.,

J. H. THOMAS.

54594

No. 527.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 3.15 p.m., 25th November, 1924.)

TELEGRAM.

[Answered by Nos. 529, 531, and 533.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

25TH NOVEMBER. Confidential. Imperial Economic Committee. His Majesty's Government are prepared to take immediate steps for establishment of Committee on lines indicated in my predecessor's telegram of 19th June.§ They would, however, propose small alteration of terms of reference so as to read at end "increasing the consumption of such products in the United Kingdom in preference to imports from foreign countries and to promote the interests both of producers and consumers." Object of addition, which does not affect sense of reference already agreed, is to avoid any possible misapprehension on the part of British farming interests. His Majesty's Government agree that Committee should concentrate its attention first on meat and fruit, and think that inquiries on these two points should be held concurrently.

His Majesty's Government would suggest that subject to concurrence of other Governments concerned Sir Halford Mackinder, Chairman of Imperial Shipping Committee, should be appointed also Chairman of the Economic Committee, with a view to securing co-ordination between work of the two Committees which might otherwise overlap. If Sir Halford Mackinder's appointment as Chairman proves acceptable, His Majesty's Government would propose that other nominations to the Committee made by themselves should be limited to three. In selecting representatives their idea is that choice should be based on principle of securing persons with

* No. 524. † No. 523. ‡ No. 525. § No. 502.

wide general knowledge, so that continuity in personnel could be preserved should investigations of Committee be extended later to other food products, or kindred subjects of an economic character. As regards expenses His Majesty's Government would be prepared to pay, at the outset at any rate, whole of expenses of Committee apart from travelling and other personal expenses of oversea representatives on the Committee which they assume would be paid by Governments represented. Should be glad to learn by telegraph views of your Government on these proposals. Similar message sent to other Dominions.—AMERY.

54594

No. 528.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR, Downing Street, 26th November, 1924.
I HAVE the honour to acknowledge the receipt of Your Excellency's Confidential despatch of the 22nd October,* and to transmit to you, to be laid before your Ministers, a copy of a telegram† to the other self-governing Dominions concerning the establishment of the proposed Imperial Economic Committee. His Majesty's Government would be glad to learn as soon as possible the views of your Ministers on the proposals set out in the enclosed telegram.

I have, &c.,
L. S. AMERY.

55566

No. 529.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.33 p.m., 26th November, 1924.)

TELEGRAM.

26TH NOVEMBER. Confidential. Following from my Prime Minister:—
Begins: Your telegram of 25th November.† Imperial Economic Committee. My Government very gratified indeed to learn that His Majesty's Government proposes to take immediate steps for establishment. The proposed small alteration in the terms of reference having for its object the avoidance of any possible misapprehension on the part of British farming interests has the approval of my Government which recognizes that the interests of the British farmers must be the first consideration of the British Government, the principle underlying all our representations being that subject to this proviso the Dominions should have preference over foreign countries. The appointment of Sir Halford Mackinder as Chairman of the Economic Committee is concurred in and is regarded as the most suitable in view of the necessity of securing co-ordination between the work of the Imperial Shipping Committee and the Economic Committee. It is noted that His Majesty's Government has agreed the Committee should concentrate its attention first on meat and fruit and that inquiries on these two points should be held concurrently. This also is concurred in by my Government. Immediately on receiving advice from you as to when the Committee shall be constituted my Government will supply the name of the proposed Australian representatives. *Ends.*

—FORSTER.

* No. 525. † No. 527.

55566

No. 530.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Confidential.)
(New Zealand.	
(Union of South Africa.	
(Irish Free State.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 28th November, 1924.

WITH reference to my Confidential [Not to Irish Free State: telegram of the 25th of November,*] [To Irish Free State: despatch of the 26th of November,†] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a telegram‡ from the Governor-General of the Commonwealth of Australia regarding the establishment of the proposed Imperial Economic Committee.

2. A similar despatch is being sent to the Governors-General of [To Canada: New Zealand, the Union of South Africa, and the Irish Free State, and the Governor of Newfoundland.] [To New Zealand: Canada, the Union of South Africa, and the Irish Free State, and the Governor of Newfoundland.] [To Union of South Africa: Canada, New Zealand, and the Irish Free State, and the Governor of Newfoundland.] [To Irish Free State: Canada, New Zealand, and the Union of South Africa, and the Governor of Newfoundland.] [To Newfoundland: Canada, New Zealand, the Union of South Africa, and the Irish Free State.]

I have, &c.,
L. S. AMERY.

56709

No. 531.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.50 a.m., 3rd December, 1924.)

TELEGRAM.

CONFIDENTIAL. 2nd December. Your telegram of 25th November.* Imperial Economic Conference (?Committee). My Ministers agree in proposals but as meat and fruit do not directly concern them it is not proposed to appoint a representative. When subjects arise in which Newfoundland is concerned my Ministers will be glad to have the privilege of representation under the conditions set forth in your telegram.—ALLARDYCE.

56709

No. 532.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada.	} Confidential.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Irish Free State.	

[MY LORD,] [SIR,]

Downing Street, 5th December, 1924.

WITH reference to [Not to Australia: my Confidential despatch of the 28th November§] [To Australia only: Your Excellency's telegram of the 26th November,‡] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a telegram|| from the Governor of Newfoundland regarding the establishment of the proposed Imperial Economic Committee.

2. A similar despatch is being sent to the Governors-General of [To Canada: the Commonwealth of Australia, New Zealand, the Union of South Africa, and

* No. 527. † No. 528. ‡ No. 529. § No. 530. || No. 531.

the Irish Free State.] [To Australia: Canada, New Zealand, the Union of South Africa, and the Irish Free State.] [To New Zealand: Canada, the Commonwealth of Australia, the Union of South Africa, and the Irish Free State.] [To Union of South Africa: Canada, the Commonwealth of Australia, New Zealand, and the Irish Free State.] [To Irish Free State: Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa.]

I have, &c.,
L. S. AMERY.

58524

No. 533.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.15 p.m., 13th December, 1924.)

TELEGRAM.

13TH DECEMBER. Your telegram 25th November* states that the British Government are prepared to take immediate steps for establishing Imperial Economic Committee on lines indicated in your telegram 19th June.†

My Ministers in my telegram 2nd July‡ expressed their readiness to co-operate in inquiry as to the means of increasing the extent and efficiency of marketing overseas produce in Britain. They added that objection previously taken to permanent Imperial Economic Committee sitting in London and with fixed personnel which would not correspond to wide variety in subject matter and range of possible inter-Imperial Economic issues still held good, and suggested that the proposed marketing Committee be of an *ad hoc* character and that as other economic questions arose in the future they might be referred to the Committee or other means of inquiry of composition required by the circumstances of each case. These considerations do not appear to be noted in your telegram of 25th November.*

Canadian Government would suggest naming Committee now proposed Overseas Produce Marketing Committee or some abbreviation or variation of such title.

My Ministers agree with the suggestion that inquiry into meat and fruit marketing should be held concurrently and approve of proposed slight alteration in terms of reference. They would be pleased to concur in the appointment of Sir Halford Mackinder as Chairman of the Marketing Committee. As regards expenses, whilst preferring proportionate distribution of any joint expense they would concur in the British Government's proposal that it would bear this at the outset but concurrence subject to reconsideration if expenses assume any considerable extent. Canadian Government would of course provide for full expenses of its own representative.

My Ministers believe that inquiries of the Committee on the lines proposed should prove of distinct value both to Britain and to the Dominions.—BYNG.

* No. 527. † No. 502. ‡ No. 505.

XIII.

PACIFIC CABLE BOARD—AMENDMENT OF CONSTITUTION.

Secretariat Note.—In October, 1923, a vacancy occurred in the Chairmanship of the Pacific Cable Board. In accordance with the powers vested in them by paragraph 5 of the Schedule to the Pacific Cable Act, 1901 (1 Edw. VII, Ch. 31), the Treasury announced their intention of appointing Sir W. Mercer to be Chairman, and this intention was notified by telegram to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and at the same time to the Prime Ministers of those Dominions then present in London. In November, discussion took place between the Prime Ministers and the Chancellor of the Exchequer, as a result of which the Chancellor of the Exchequer agreed (i) that legislation should be introduced to amend the constitution of the Board in certain respects; (ii) that Sir W. Mercer should retire from the Office of Chairman in twelve months, i.e., after the legislation involved in (i) had passed; (iii) that in future the Board should be consulted before a new Chairman was appointed.

In December, the Board put forward to the Treasury certain proposals for the amendment of its constitution, including those referred to under (i) above. As a result of this the following correspondence ensued.

2029

No. 534.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 1.10 p.m., 2nd February, 1924.)

TELEGRAM.

[Answered by No. 536.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

2ND FEBRUARY. Question of amendment of constitution of Pacific Cable Board in certain respects was recently raised by Board, which has put forward following proposals:—

(1) Reduction of number of British representatives to two; each Government to have power to appoint a deputy during absence of a member representing such Government:

(2) Payment to Chairman of maximum salary of £1,000 a year, Board to have power to vary the amount if the contributing Governments concur, and payment to each member of Board of allowance not exceeding £500 a year so long as such member does not hold office of profit under British or any Dominion Government:

(3) Chairman of Board, on occurrence of vacancy, to be appointed by Board from amongst members, subject to agreement of contributing Governments. Chairman to hold office for one year, being, however, eligible for re-election:

(4) Surplus of receipts over expenses in connexion with cable to be applied in such manner as Board may direct.

Board also wish provision to be made by law giving them power to construct and work land lines in connexion with their cable. Preliminary views of His Majesty's Government on these proposals as follows:—

(1) Suggestions that British representatives should be reduced to two, and that there should be power to send deputies to meetings of Board not acceptable. No objection, however, to the increase of the number of representatives of Canada and Australia to three each:

(2) No objection to the increase of the maximum salary of Chairman of Board to £1,000 a year, or to provision for payment by Board of allowance to members, but allowance of £300 thought sufficient.

(3) Suggested that appointment of Chairman should be made by Treasury as at present, but after consultation with Board.

(4) Thought that arrangements under which surplus is to be applied in such a manner as Treasury direct should stand. Entire capital of Board has been provided by British Government, and so long as this is the case, and capital has not been wholly repaid, it appears reasonable that Treasury should decide on disposal of any surplus. In the past no difficulty has in practice arisen from this provision and very large sums have in recent years been placed to reserve and applied to purposes of Board.—SECRETARY OF STATE FOR THE COLONIES.

5271

No. 535.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.30 p.m., 2nd February, 1924.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)

2ND FEBRUARY. My telegram of 2nd February.* Opportunity was taken to discuss proposals of Pacific Cable Board and preliminary views of His Majesty's Government thereon with Prime Minister of Commonwealth of Australia just before he left London, and Bruce has put forward certain comments which are now under consideration here. Further telegram will be sent as soon as possible.—SECRETARY OF STATE FOR THE COLONIES.

7299

No. 536.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.45 p.m., 13th February, 1924.)

TELEGRAM.

[Answered by No. 537.]

13TH FEBRUARY. After considering proposal with regard to the Pacific Cable Board in your telegram of 2nd February* my Ministers are of opinion that even if they were in possession of the comments of Mr. Bruce matter would still be one which could be best arranged by direct negotiation, and will be glad to have it discussed directly with the High Commissioner for Canada in London, who has been advised accordingly by cable.—BYNG.

7299

No. 537.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.50 p.m., 19th February, 1924.)

TELEGRAM.

19TH FEBRUARY. Your telegram 13th February.† Pacific Cable Board. As my other telegram of to-day‡ was going in any case to Australia and New Zealand via Canada, I thought it as well that Canadian Government also should have it, but we quite appreciate convenience of discussing question with High Commissioner, to whom copies of these telegrams are being sent. Reference to Canadian Government in my other telegram based on message§ from your Prime Minister to High Commissioner which latter communicated to me.—SECRETARY OF STATE FOR THE COLONIES.

* No. 534. † No. 536. ‡ No. 538.

§ Note.—“Our Government is entirely in accord with the Government of Australia in its support of recommendations of Pacific Cable Board. I think you should without delay inform Secretary of State for Colonies that I have read Bruce's letter and that our Government is in entire accord with Government of Australia in representations therein made.”

7299

No. 538.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.35 p.m., 19th February, 1924.)

TELEGRAM.

[Answered by No. 540.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)

19TH FEBRUARY. My telegram 2nd February.* Pacific Cable Board. Following is summary of Bruce's comments on behalf of Commonwealth Government (with which Government of Canada understood to be in accord) and views of His Majesty's Government thereon.

(1) Commonwealth Government would prefer reduction of number of representatives of British Government to two as keeping number of Board on more workable basis, but would accept increase of representation of Canada and Australia to three. His Majesty's Government still think latter course better.

(2) Commonwealth Government support Board's proposal for allowance to members not exceeding £500. His Majesty's Government are advised that analogous payment to directors of business organizations in this country would be about £250: in the circumstances they still think maximum of £300 sufficient.

(3) Commonwealth Government consider that appointment of Chairman should be matter for consultation between Governments and should only be made after agreement reached. His Majesty's Government quite prepared to consult partner Governments instead of Board prior to appointment.

(4) Commonwealth Government consider that disposal of surplus of receipts over expenses should be in hands of Board or alternatively should be settled by consultation between partner Governments, and are unwilling to accept argument that as original capital was provided by British Government disposal of surplus should therefore be in hands of British Government, on grounds

(a) that repayment of the capital is amply assured by sinking fund and by accumulated profits, in addition to guarantee of other Governments;

(b) that all partner Governments are responsible proportionately for losses on working.

His Majesty's Government feel, nevertheless, that sufficient cause has not arisen for alteration of present law, which has so far worked satisfactorily. Section 4 of Pacific Cable Act, 1901, provides that surplus receipts of Board whilst capital outstanding are to be applied to reduction of advances made by His Majesty's Government. This provision has been very liberally interpreted, large sums having in recent years been placed to reserve and applied to purposes of Board, and there is no reason to doubt that this liberality of interpretation will be continued.

As regards other proposals of Board referred to in my telegram of 2nd February,† His Majesty's Government regard proposal that Chairman should be appointed for one year only as inconvenient for business purposes, and likely to render appointment unattractive to suitable candidates: but they would agree to fixing the term of appointment at three years with possibility of extension. They deprecate proposal that Board should have power to vary amount of Chairman's salary subject to approval of partner Governments. They agree that Board should be given any necessary additional powers as regards construction and working of land lines.

Please telegraph views of your Government on suggested modifications of Board's proposals as soon as possible.—SECRETARY OF STATE FOR THE COLONIES.

* No. 535. † No. 534.

9629

No. 539.

PACIFIC CABLE BOARD.

NOTE OF CONCLUSIONS AT A MEETING BETWEEN THE SECRETARY OF STATE FOR THE COLONIES AND THE HIGH COMMISSIONERS FOR CANADA, THE COMMONWEALTH OF AUSTRALIA, AND NEW ZEALAND ON MONDAY, 25TH FEBRUARY, 1924.

SIR C. T. DAVIS (Colonial Office),
MR. M. F. HEADLAM (Treasury), and
MR. E. J. HARDING (Colonial Office)

were also present.

(1) *Composition of Board*.—It was agreed that the Board might consist of the following representatives:—

United Kingdom	...	...	...	...	...	...	3
Canada	...	...	...	...	...	...	3
Australia	...	...	...	...	...	...	3
New Zealand	...	...	...	...	...	...	2

(2) *Allowance to Members*.—It was agreed that the maximum allowance should be fixed at £300 per annum.

(3) *Nomination of Chairman*.—The High Commissioners agreed in Mr. Thomas's suggestion that the Board might nominate, after agreement between the partner Governments, as to the person to be nominated.

(4) *Disposal of Surplus*.—The High Commissioners agreed in Mr. Thomas's suggestion that any surplus might be dealt with by the Board after agreement between the partner Governments.

Mr. Headlam said that the Chancellor of the Exchequer must be consulted on points (3) and (4) which, in the meantime, he could not accept on behalf of the Treasury. Mr. Larkin suggested on point (4), as an alternative, that the question of disposal of the surplus might be left over for a year.

(5) *Tenure of Office of Chairman*.—It was agreed that a term of three years might be fixed, with power of extension.

(6) *Variation of Chairman's Salary*.—The High Commissioners would have preferred that power to increase the Chairman's salary should be given in the Bill: the matter was left over.

11957

No. 540.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.36 a.m., 12th March, 1924.)

TELEGRAM.

12TH MARCH. Your telegram of 2nd February.* your telegram of 19th February.† Pacific Cable Board. My Ministers have fully considered the points raised by you. In reply they desire to reaffirm Prime Minister's statement that they attach utmost importance to the amendment of the Constitution and view with very great apprehension any extension of operations unless and until this is done. If, however, His Majesty's Government regard such extension as vitally urgent Commonwealth Government, on receipt of assurance that the Constitution will be amended as set out below at an early date, is prepared to acquiesce.

With regard to your telegram of 19th February, paragraph No. 1, Commonwealth Government prepared give way on this point if it will lead to settlement.

Paragraph No. 2. Commonwealth Government regard this as a very minor point and, while still holding original view expressed by Prime Minister, if same is regarded as being important by His Majesty's Government, no further objection will be raised.

* No. 535. † No. 539.

Paragraph No. 3. Commonwealth Government adheres to view expressed, and understand that His Majesty's Government now agrees that appointment of Chairman should be matter for consultation between the Government(s) and should only be made after agreement reached.

Paragraph No. 4. Commonwealth Government still strongly of opinion that disposal of surplus receipts over expenses should be in the hands of the Board or, alternatively, should be settled by consultation between partner Governments. Under no circumstances will the Commonwealth Government agree to control being in the hands of His Majesty's Treasury. Subject to this very definite decision, my Government will approve any methods by which the partner Governments, either through consultation or through their representatives on Board, shall determine allocation of surplus receipts.

With regard to other proposals mentioned, Commonwealth Government prepared to acquiesce in proposal that Chairman should be appointed for three years, but are still of opinion that Board should have power to vary amount of Chairman's salary subject to the approval of the partner Governments.

It is noted that His Majesty's Government agrees that the Board should be given the necessary additional power as regards construction and working of the land-lines.

The foregoing leaves very few points of disagreement, and on these the Commonwealth Government regrets it cannot give way. In the circumstances, Ministers would be glad to receive the concurrence of the British Government on the matter above mentioned and to hear that amendments of the Constitution can be effected.—GOVERNOR-GENERAL.

15883

No. 541.

PACIFIC CABLE BOARD.

NOTE OF CONCLUSIONS REACHED AT A MEETING BETWEEN THE SECRETARY OF STATE FOR THE COLONIES, THE HIGH COMMISSIONER FOR NEW ZEALAND, AND SIR CAMPBELL STUART, REPRESENTING THE GOVERNMENT OF CANADA (IN THE ABSENCE OF THE HIGH COMMISSIONER) ON WEDNESDAY, 2ND APRIL, 1924, IN CONTINUATION OF A MEETING HELD ON THURSDAY, 27TH MARCH, AT WHICH THE HIGH COMMISSIONER FOR THE COMMONWEALTH OF AUSTRALIA WAS ALSO PRESENT.

SIR C. T. DAVIS (Colonial Office),
MR. M. F. HEADLAM (Treasury),
MR. J. E. STEPHENSON (Colonial Office),

were also present.

(A) *Composition of Board* (see Conclusion (1) of meeting of 25th February*). It was agreed, on the proposal of Sir C. Stuart, that the numbers of representatives of the partner Governments on the Board should be:—

United Kingdom	...	...	...	...	...	...	2
Canada	...	...	...	...	...	...	2
Australia	...	...	...	...	...	...	2
New Zealand	...	...	...	...	...	...	1

(B) *Variation of Chairman's salary* (see Conclusion (6) of meeting of 25th February). It was agreed that provision should be made for power to be given to the Board to increase the salary of the Chairman above £1,000 per annum in the case of the appointment of a person possessing high technical qualifications, subject to the concurrence of the Governments concerned.

(C) *Disposal of Surplus* (see Conclusion (4) of meeting of 25th February). Following on a suggestion put forward by the High Commissioner for the Commonwealth and supported by the High Commissioner for New Zealand and Sir C. Stuart at the meeting of 27th March, it was agreed that power should be taken to apply the accumulated reserve of the Board to paying off the money advanced by the British Government, the amount so repaid being replaced by the partner Governments in shares on the proportionate basis laid down in the Act of 1901; and, if this transaction were carried out, to leave the control of future surpluses to the Board without any obligation to accelerate debt repayment.

* No. 539.

(D) It was agreed that the Parliamentary Counsel should be asked to draft clauses for incorporation in a Bill making provision for the above arrangements, and also the arrangements previously agreed to as set out in Conclusions (2), (3) and (5) of the meeting of the 25th February.

April, 1924.

Secretariat Note.—As arranged at D in No. 541 above, a Bill was drafted to give effect to the amendments of the constitution of the Board on which agreement had been reached. Copies of the draft Bill were sent to Sir C. Stuart and the High Commissioners for the Commonwealth of Australia and New Zealand. After some delay, replies were received to the effect that the draft Bill was approved in principle by the Governments of Canada, the Commonwealth of Australia, and New Zealand; but Sir C. Stuart and the High Commissioner for the Commonwealth of Australia expressed a desire for a further meeting to discuss certain points of detail in connexion with the drafting of the Bill. Various circumstances, especially the political situation in October, 1924, prevented the holding of such a meeting, and the consequent introduction of the Bill into Parliament prior to the expiration of the twelve months of Sir W. Mercer's appointment, and, as a result, the following correspondence took place.

46886

No. 542.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 6.50 p.m., 8th October, 1924.)

TELEGRAM.

[Answered by Nos. 543, 544 and 545.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

8TH OCTOBER. Confidential. As your Prime Minister is aware it was arranged when Sir William Mercer was appointed Chairman of Pacific Cable Board last year that he should hold office for a year from the date of his appointment, i.e., 20th October. At that time it was thought that amending legislation as regards constitution of Board would be in operation by now, and also that new West Indian cable arrangements would be practically completed.

These expectations have not been realized, since terms of amending legislation have not yet been finally settled and initiation of new West Indian scheme entails a great deal of complicated work. In these circumstances, best course seems to be that Mercer should continue for the present to act as Chairman, it being understood that he will retire as soon as other arrangements can be made after passing of new legislation. Please telegraph whether your Prime Minister agrees. Similar telegram sent to other Dominions concerned.—THOMAS.

49819

No. 543.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.30 a.m., 21st October, 1924.)

TELEGRAM.

21ST OCTOBER. Confidential. New Zealand Government concur in proposals contained in your telegram of 8th October* regarding office of Chairman of Pacific Cable Board.—JELICOE.

* No. 542.

50161

No. 544.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.25 a.m., 24th October, 1924.)

TELEGRAM.

24TH OCTOBER. Confidential. Your telegram of 8th October.* Commonwealth Government concur in proposal of extension term Sir William Mercer as Chairman of Pacific Cable Board until other arrangements can be made after passing of new legislation.

51306

No. 545.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.50 p.m., 30th October, 1924.)

TELEGRAM.

30TH OCTOBER. Confidential. Your telegram of 8th October.* Acting Prime Minister agrees that in the circumstances best course would be to have Sir William Mercer continue for the present to act as Chairman of the Pacific Cable Board.

* No. 542.

XIV.

RECIPROCAL ARRANGEMENTS FOR PREVENTING INTERFERENCE WITH WIRELESS BROADCASTING.

13917

No. 546.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 24th March, 1924.)

[Answered by Nos. 547 and 548.]

(No. 100.)

SIR, Government House, Ottawa, 11th March, 1924.
I HAVE the honour to enclose, herewith, for consideration, a copy of a letter from the Department of the Secretary of State for External Affairs on the subject of wave lengths.

I have, &c.,
BYNG OF VIMY.

Enclosure in No. 546.

FROM DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, 10th March, 1924.
I HAVE the honour to represent that public interest in radio continues to grow and there are now 45 broadcasting stations in the Dominion of Canada, and 544 in the United States, while the number of receiving sets installed is increasing at an unprecedented rate.

In an effort to reduce the interference from so many transmitting stations working simultaneously, the United States has allotted waves out of the band 222-546 metres, while the Dominion Government is allotting those between 350 and 450 metres.

Unfortunately, this band includes two wave lengths used by ships, viz., 300 and 450 metres, and at night-time the interference experienced from ship stations is very objectionable, particularly in the case of receiving stations located near the coast, and with a view to alleviating the situation, a Conference of all parties on this side of the Atlantic interested in the question was held in New York on the 11th of January, at which the Canadian and United States companies operating ship stations agreed to abandon the use of 450 metres for ship to shore and inter-ship working, and to increase the wave lengths of the coast stations previously using the 450 metre wave.

This agreement, of course, applies to United States and Canadian ships and stations only, and there still remains interference from British and foreign ships using this wave length, which, the Deputy Minister of Marine and Fisheries states, has noticeably increased since the wave has been abandoned by the coast stations.

The Government of Canada is anxious to do everything possible to clear the broadcast band from this interference, and I have the honour to request that His Excellency the Governor-General may be humbly moved to cause an inquiry to be addressed to the Secretary of State for the Colonies, asking if His Majesty's Government would be disposed to issue an order forbidding the use of 450 metres by ships when west of, say, 40° Long., on the Atlantic, and when east of, say 150° Long., on the Pacific, during the evening broadcast hours, viz., 6 p.m. to 2 a.m., E.S.T. (75th Meridian) for the Atlantic, and from 6 p.m. to 2 a.m., P.S.T. (120th Meridian) for the Pacific, and would also, on behalf of this Government, place this proposal before other European administrations which have ships plying to North America.

The Government of Canada would be prepared to issue reciprocal regulations forbidding the use of any European broadcast waves by Canadian ships, when in certain prescribed areas on the European side of the Atlantic.

I am to add that it is the intention of the Dominion Government to introduce a resolution at the next International Radio Conference, recommending the reservation of a band of wave lengths exclusively for broadcasting.

I have, &c.,

JOSEPH POPE,

Under-Secretary of State for External Affairs.

13917

No. 547.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 160.)

MY LORD, Downing Street, 16th April, 1924.
I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 100 of the 11th of March,* enclosing a copy of a letter from the Department of External Affairs on the subject of wireless wave lengths, and to request you to inform your Ministers that the matter is receiving the attention of the competent Departments of His Majesty's Government, and that a further communication will be made to you as soon as it has been fully considered.

I have, &c.,
J. H. THOMAS.

37675

No. 548.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 549.]

(No. 360.)

MY LORD, Downing Street, 19th August, 1924.
WITH reference to my despatch No. 160 of the 16th April,† on the subject of wireless wave lengths, I have the honour to request Your Excellency to inform your Ministers that the question raised in your despatch No. 100 of the 11th March* has now been further considered.

2. His Majesty's Government are prepared to arrange for the discontinuance of the use of the 450 metres wave within 250 miles of the Canadian coast, and, also, if so desired, of the coast of Newfoundland, by British ships, the wireless installation on which is operated under licence from the Postmaster-General, on condition that Canadian ships will similarly be forbidden to use this wave within 250 miles of the coast of this country except in so far as its use is necessary in order to obtain bearings.

3. If this proposal is satisfactory to the Canadian Government, His Majesty's Government would then be prepared to approach the United States Government with a view to extension of the arrangement to the United States coast and to United States ships.

4. On the completion of such an arrangement His Majesty's Government would also be prepared to make a similar proposal to European countries, in particular to France.

5. I should be glad to be informed as soon as possible whether this procedure is satisfactory to your Government.

I have, &c.,
(For the Secretary of State),
HENRY LAMBERT.

* No. 546. † No. 547.

45628

No. 549.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 26th September, 1924.)

[Answered by No. 550.]

(No. 401.)

SIR, Government House, Ottawa, 15th September, 1924.

WITH reference to your despatch No. 360 of the 19th August,* on the subject of interference caused by the use of wave length of 450 metres by ships when west of 40° longitude on the Atlantic and when east of 150° longitude on the Pacific during the evening broadcasting hours, I have the honour to inform you that the Government of Canada is pleased to note that His Majesty's Government is prepared to arrange for the discontinuance of the use of the 450 metres wave by British ships when within 250 miles of the Canadian coast, and also, if desired, when within that distance of the coast of Newfoundland, subject to the condition that Canadian ships will similarly be forbidden to use this wave length when within 250 miles of the coast of the British Isles; it accepts this proposal and will issue forthwith suitable regulations forbidding the use of 450 metres by Canadian ships when within 250 miles of the British Isles, except for the purpose of obtaining D.F. bearings. It is requested that the prohibition in the case of British ships may include the area within 250 miles of Newfoundland as well as of Canada.

A public announcement of this arrangement will be made on 24th September, unless His Majesty's Government requests otherwise in the meantime.

It is learned with pleasure that His Majesty's Government is prepared to make a similar proposal to European countries, in particular to France.

I have, &c.,

BYNG OF VIMY.

45628

No. 550.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential (2).)

MY LORD,

Downing Street, 13th October, 1924.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 401 of the 15th of September,† and of your telegram of the 27th September,‡ on the subject of the discontinuance of the use of the 450 metres wave length by ships near the coast, and to transmit to you, to be laid before your Ministers, a copy of a telegram to His Majesty's Ambassador at Washington on the subject.

2. In the meantime instructions are being given to British ships, the wireless installation on which is operated under licence from the Postmaster-General, that the 450 metres wave length is not to be used within 250 miles of the coasts of Canada and Newfoundland.

I have, &c.,

J. H. THOMAS.

[45865]

Enclosure in No. 550.

TELEGRAM FROM FOREIGN OFFICE TO SIR E. HOWARD (WASHINGTON).

(Sent 6.30 p.m. 24th September, 1924.)

(No. 274 (R).)

CANADIAN Government have suggested that, in order to lessen interference with the reception of broadcast programmes, British ships should be prohibited from using 450 metres wave within 250 miles of the coast of Canada and the United States

* No. 548. † No. 549. ‡ 46705: not printed; it reported that in making public announcement referred to in No. 549 no mention would be made of the proposed extension of the arrangements to the United States of America pending acceptance by the United States Government of the proposal which was being made to them.

of America. This has been arranged so far as waters off the Canadian coast are concerned, subject to reciprocal prohibition by the Canadian Government of the use of 450 metres wave by Canadian ships within 250 miles of this country except in so far as may be necessary for direction-finding purposes.

Please ascertain as soon as possible whether United States Government would be prepared to co-operate in a similar reciprocal arrangement.

45628

No. 551.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Confidential.)

Downing Street, 13th October, 1924.

SIR,

I HAVE the honour to transmit to you, to be laid before your Ministers, a copy of correspondence* with the Governor-General of Canada relating to a proposal for the prohibition of the use of the 450 metres wireless wave length by ships near the coast in order to avoid interference with wireless broadcasting arrangements. I enclose also a copy of a telegram† to His Majesty's Ambassador at Washington on the subject.

2. His Majesty's Government presume that your Ministers will see no objection to the proposed arrangements for the discontinuance of the use of the 450 metres wave, within 250 miles of the coast of Newfoundland, by British ships, the wireless installation on which is operated under licence from the Postmaster-General; and they hope that your Ministers will be willing to arrange for the discontinuance of the use of this wave length by Newfoundland ships when within 250 miles of the coast of this country except for the purpose of obtaining bearings.

I have, &c.,

J. H. THOMAS.

* Nos. 546, 547, 548 and 549.

† Enclosure in No. 550.

This has been arranged so far as waters off the Canadian coast are concerned, subject to technical approval by the Canadian Government of the use of 400 meters wave by Canadian ships within 200 miles of the coast except in so far as may be necessary for distress and other purposes.

45828

THE SECRETARY OF STATE TO THE GOVERNOR

(Confidential) Downing Street, 12th October, 1934. I have the honor to transmit to you, as I said before your Minister, a copy of correspondence with the Government of Canada in relation to a proposal for the prohibition of the use of the 400 meters wave by ships near the coast in order to avoid interference with wireless broadcasting arrangements. I enclose also a copy of a telegram to His Majesty's Ambassador at Washington on this subject.

J. H. THOMAS

THIRTY-FOUR

* No. 310, 311, 312 and 313 of 1934 are in force in No. 310.

CANADA

THE SECRETARY OF STATE TO THE GOVERNOR GENERAL

Downing Street, 12th October, 1934. I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the proposed prohibition of the use of the 400 meters wave by ships near the coast in order to avoid interference with wireless broadcasting arrangements. I enclose also a copy of a telegram to His Majesty's Ambassador at Washington on this subject.

J. H. THOMAS

45828

1934, No. 310, 311, 312 and 313

THE SECRETARY OF STATE TO THE GOVERNOR GENERAL

1934, No. 310, 311, 312 and 313

Downing Street, 12th October, 1934. I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the proposed prohibition of the use of the 400 meters wave by ships near the coast in order to avoid interference with wireless broadcasting arrangements. I enclose also a copy of a telegram to His Majesty's Ambassador at Washington on this subject.

1934, No. 310, 311, 312 and 313

6/10/10/6886/0

CONFIDENTIAL.

NAVAL, MILITARY, AND AIR DEFENCE.

FURTHER CORRESPONDENCE

[1923—1924, and one Paper of 1922 (No. 178)].

WITH THE SELF-GOVERNING DOMINIONS.

(In continuation of Dominions No. 82 : continued by Dominions No. 96).

May, 1927.

INDEX.

NAVAL, MILITARY, AND AIR DEFENCE.

NAVAL.

A. General.

	TABLE OF CONTENTS.	TEXT.
	PAGE.	PAGE.
(i) Empire Naval Policy and Co-operation	iii	1
(ii) Singapore Naval Base	iv	8
(iii) Offer of Warships	vii	28
(iv) Royal Naval Reserve: Mobilization Procedure	viii	31
(v) Reciprocal utilization of Naval Personnel on Mobilization	viii	36
(vi) Scales of Defence for Ports	xi	58
(vii) Meeting of Flag Officers	xi	61
(viii) War Memorandum	xii	66

B. Canada.

North America and West Indies Station in time of War	xiii	67
--	------	----

C. Australia.

(i) Construction of Cruisers	xiii	70
(ii) Construction of Submarines	xiv	74
(iii) Interchange of Cruisers	xiv	75
(iv) Interchangeability of Officers	xv	77

D. New Zealand.

(i) New Zealand Naval Policy	xv	78
(ii) Gift of Rescue Tug	xviii	91
(iii) Wireless Stations at Awanui and Apia	xviii	94

E. Union of South Africa.

Naval Discipline	xix	97
------------------	-----	----

MILITARY.

A. Channels of Communication regarding Military Matters	xix	99
B. Interchange of Officers	xix	100
C. Utilization of Reserve Officers and Men on Mobilization	xx	107
D. Regimental Alliances	xxi	118

NAVAL AND MILITARY.

Irish Free State.

Position of British Naval and Military Reservists resident in the Irish Free State	xxii	122
--	------	-----

AIR.

A. Empire Air Co-operation	xxii	125
B. Air Policy in Great Britain	xxiii	132
C. Standardization of Air Service Equipment	xxiii	134

CENSORSHIP

TABLE OF CONTENTS.

Serial No., From or to whom,
Despatch No., &c., and Date.

Subject and Page No.

NAVAL.

A. GENERAL.

(i) Empire Naval Policy and Co-operation.

1923

1 The Governor-General Union of South Africa, Secret ... March 29 (Rec. April 17)	Transmits copy of Ministers' Minute stating, with reference to the Secret Memorandum No. 176—C enclosed in No. 2 in Dominions No. 82, that arrangements for a supply of oil-fuel will be made as soon as the storage tanks being erected at Simonstown are completed, probably in 1923-24, and summarizing further steps taken in connexion with Naval Services	1
2 To the Governors-General and Governor Canada, Common- wealth of Australia, New Zealand, Union of South Africa, New- foundland, Dominions 155, Secret ... May 8	States that paragraph 48, Hongkong and Fiji, of Secret Memorandum No. 176—C should be amended as indicated	3
3 The Governor-General Commonwealth of Aus- tralia, Secret ... May 7 (Rec. June 15)	States that his Government would be glad if an opportunity could be afforded at the forthcoming Imperial Conference to discuss the important issues raised in Secret Memorandum No. 176—C.	3
4 To the Governors-General and Governor Canada, Common- wealth of Australia, New Zealand, Union of South Africa, New- foundland, Telegram, Secret ... August 10	Transmits message from Prime Minister for Prime Minister stating that Admiralty would be glad if any proposals or suggestions regarding naval co-operation which it is desired to bring up at the Imperial Conference might be telegraphed as soon as possible after receipt of Admiralty Memoranda prepared for Conference	3
5 The Governor-General Union of South Africa, Telegram, Secret ... August 15 (Rec. Aug. 15)	States, in reply to No. 4, that as Admiralty Memorandum will not arrive until shortly before Prime Minister's departure for England it will be impossible to telegraph any proposals on behalf of the Union	4
6 The Governor-General New Zealand, Tele- gram, Secret ... August 25 (Rec. Aug. 25)	States, in reply to No. 4, that Prime Minister has nothing special to bring up on subject of Empire Naval Co-operation beyond proposals in Admiralty and Committee of Imperial Defence Memorandum recently received	4

1924

7 To the Governors-General and Governor Canada, Common- wealth of Australia, New Zealand, Union of South Africa, New- foundland, Secret ... March 28	Transmits copies of Memorandum prepared by the Naval Staff (C.I.D. paper No. 221c) regarding Empire Naval Policy and Co-operation, and inquires whether Ministers concur generally in proposals contained therein	4
8 The Governor-General Union of South Africa, Secret ... June 4 (Rec. June 24)	Transmits Minute from Ministers stating, with reference to the Memorandum (C.I.D. paper (No. 221c) enclosed in No. 7, that at present the strength of the South Africa Naval Service does not justify action being taken on the proposals therein, which, however, will be borne in mind for future consideration	7
9 The Governor Newfoundland, Secret June 26 (Rec. July 17)	States that Ministers concur generally in the terms of the Memorandum (C.I.D. Paper 221c) enclosed in No. 7, but as there is no naval establishment in Newfoundland, they are unable to offer active co-operation	7

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
10 The Governor-General New Zealand, Secret June 16 (Rec. July 25)	With reference to Memorandum (C.I.D. paper No 221c) enclosed in No. 7, states that his Ministers advise him (a) that the principles enunciated therein meet with the entire concurrence of the New Zealand Government, (b) that Clause (a) of paragraph 10 does not arise in connexion with the New Zealand Division, and (c) that Clause 10 (b) and paragraph 11 are entirely concurred in ... 7
11 The Deputy Governor-General Commonwealth of Australia, Secret ... September 22 (Rec. Nov. 4)	States that the adoption of proposals contained in the Memorandum (C.I.D. paper No. 221c) enclosed in No. 7 are approved in their entirety, and that, owing to financial stringency, the Naval Staff now consists of a nucleus only, but this can be developed in time of emergency ... 8
(ii) Singapore Naval Base.	
1923	
12 To the Governors-General and Governor Canada, Commonwealth of Australia, Union of South Africa, New Zealand, Newfoundland, Dominions, 119, Secret ... March 27	Notifies decision to proceed with the establishment of a naval base at Singapore on the understanding that no considerable expenditure will be incurred during 1923-24, and only a moderate expenditure during 1924-25; and states that provision made in the Estimates for the financial year 1923-24 is £160,000, and the total estimate for the work is £11,000,000 ... 8
13 House of Commons Canada ... May 4	Question asked by Mr. Woodsworth regarding the attitude of the Canadian Government with respect to the policy of His Majesty's Government concerning the establishment of a naval base at Singapore; and the Prime Minister's reply thereto ... 9
14 H.R.H. Prince Arthur of Connaught to the Duke of Devonshire (Personal), (Extract) ... May 4	States views of General Smuts regarding the proposed construction of the naval base at Singapore ... 9
15 To the Governors-General and Governor Canada, Commonwealth of Australia, Union of South Africa, New Zealand, Newfoundland, Dominions, 174, Secret ... May 15	With reference to No. 12, requests that attention of Ministers be invited to the debate in Committee of Supply in the House of Commons on 1st May on the Navy Estimates for 1923-24 ... 10
16 The Governor-General Union of South Africa, Secret, Telegram ... June 2 (Rec. June 2)	States that it is assumed that His Majesty's Government will take action regarding the circulation to the Dominions of Ministers' views expressed in the Minute enclosed in No. 17 ... 10
17 The Governor-General Union of South Africa, Secret ... May 18 (Rec. June 5)	Transmits copy of Minute from Ministers conveying their views on the subject of the establishment of a naval base at Singapore ... 10
18 To the Governors-General and Governor Canada, Secret, Commonwealth of Australia, Secret, New Zealand, Secret, Newfoundland, Secret (2) ... June 7	Transmits copy of No. 17 and enclosure ... 11

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
19 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Secret, Dominions 213, ... June 13	Notifies decision of the Straits Settlements to present to His Majesty's Government as a free gift the lands required as sites for the naval base and aerodrome at Singapore ... 12
20 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 234, ... June 30	Transmits copies of the House of Lords Official Report of the 5th of June containing an account of a debate on the establishment of a naval base at Singapore ... 12
21 To the Governor-General Union of South Africa, Secret ... July 11	Transmits copy of Memorandum (No. 197c) expressing the views of the Committee of Imperial Defence on the observations contained in Ministers' Minute enclosed in No. 17 ... 12
22 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Newfoundland, Secret July 11, 12	Transmits copy of No. 21 and enclosure ... 17
23 The Governor-General New Zealand, Telegram, Secret ... July 16 (Rec. July 16)	States that his Prime Minister has informed him that, in addition to provision on this year's Estimates for a sum not exceeding £100,000 towards proposed naval base at Singapore, it is proposed to make similar provision on next year's Estimates, and that any subsequent contribution towards Empire Naval Defence will be included in expenditure on New Zealand Division of the Royal Navy ... 17
24 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 279, ... July 30	Transmits copies of House of Lords and House of Commons Official Reports of 11th and 19th July respectively containing further discussions on the subject of the Singapore naval base ... 17
25 House of Commons July 30	Question asked by Mr. Lambert regarding an opinion expressed by the Japanese Foreign Minister on the establishment of the new naval base at Singapore; the Prime Minister's reply and certain questions and answers arising therefrom ... 18
26 House of Commons Canada	Extracts from Canadian House of Commons Debates regarding the proposal of the British Government to expend £10,000,000 upon the creation of a naval base at Singapore ... 18
27 The Governor-General New Zealand, Secret July 16 (Rec. Aug. 27)	Confirms No. 23 ... 19
28 To the Governors-General Commonwealth of Australia, New Zealand, Secret ... October 15	Transmits copies of a chart, No. 2,403, showing the location of the proposed naval base and of a plan (C.E. in C. 48803) showing the layout of the base as at present contemplated ... 19
29 The Governor-General Commonwealth of Australia, 320 ... September 27 (Rec. Nov. 19)	Transmits, for communication to Admiralty, letter from Director of Forests, Queensland, containing a quotation for sawn timber for use in the construction of the proposed naval base ... 20

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
30 To the Governor-General Commonwealth of Australia, 34 ... January 21	Acknowledges No. 29 and states that the Lords Commissioners of the Admiralty state that it is likely to be more than eighteen months before the requirements of timber for the naval base can be prepared, but that the possibility of obtaining a supply from Queensland and Western Australia will not be overlooked... 20
31 House of Commons February 13	Questions and Answers regarding the naval base at Singapore ... 21
32 House of Commons February 18	Question raised by Sir H. Brittain as to whether the Dominions have been consulted with regard to the proposed abandonment of the Singapore dock, and Mr. Thomas's reply thereto ... 22
33 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, New- foundland, Telegram February 20	States that it has been decided to incur no further expenditure for the time being on the Singapore naval base, and that a Committee of Cabinet has been formed to examine the whole question and will report as soon as possible ... 22
34 To the Governor-General Irish Free State, Tele- gram ... February 22	Quotes text of No. 33 ... 22
35 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Irish Free State, Newfound- land, Dominions 83 February 28	Transmits copies of Nos. 31 and 32 ... 23
36 To the Governor-General Commonwealth of Aus- tralia, Telegram, Secret and Personal ... December 4	Transmits message for Prime Minister stating that it has been decided to proceed with scheme for develop- ment of Singapore base and asks whether, in announcement of decision in Parliament, statement can be made to effect that Prime Minister is still ready to propose a substantial contribution from Australian funds ... 23
37 To the Governor-General New Zealand, Tele- gram, Secret and Per- sonal ... December 4	Transmits message for Prime Minister stating that it has been decided in principle to proceed with scheme for development of Singapore base, and asking for early intimation of his intentions as regards a grant towards the cost of the base, and as to the terms in which those intentions might be alluded to in an announcement to Parliament ... 24
38 The Governor-General Commonwealth of Aus- tralia, Telegram December 8 (Rec. Dec. 8)	Transmits message from his Prime Minister outlining Australian defence programme covering a period of five years, in view of which the extent of Australian contribution towards the cost of the base will be affected by the action of the other Dominions; and asking if the facts can be conveyed to the Govern- ments of the other Dominions, and for an early intimation of their proposed action ... 24
39 The Governor-General Commonwealth of Aus- tralia, Telegram December 8 (Rec. Dec. 8)	Transmits message from Prime Minister stating that Commonwealth Government has decided to submit to Parliament at an early date proposals with regard to further direct contributions to Singapore base, but that action will be largely governed by extent to which other Dominions co-operate ... 25

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
40 The Acting Governor General New Zealand, Tele- gram, Secret ... December 8 (Rec. Dec. 8)	Transmits message from Prime Minister stating that, despite the annual cost of the maintenance of a second cruiser, he is quite willing, when opportunity offers, to consult his Parliament with regard to a straight-out grant for the Singapore base ... 23
41 To the Governors-General Commonwealth of Aus- tralia, New Zealand, Telegram, Secret and Personal ... December 9	Transmits message for Prime Minister quoting a refer- ence to Singapore base, which it is thought desirable to include in the King's speech ... 26
42 To the Governor-General New Zealand, Tele- gram, Secret and Per- sonal ... December 23	Transmits message for Prime Minister appreciating atti- tude expressed in No. 40 and inquiring whether substance of No. 40 may be communicated to Commonwealth Prime Minister. Indicates extent to which Hong Kong and Straits Settlements will contribute ... 27
43 To the Governor-General Commonwealth of Aus- tralia, Telegram, Secret and Personal ... December 23	Transmits message for Prime Minister explaining the undesirability of communicating with other Dominion Governments as desired in No. 38, but will let Prime Minister of New Zealand know personally Common- wealth's attitude with regard to co-operation by the other Governments ... 27
44 To the Governor-General Commonwealth of Aus- tralia, Telegram, Secret and Personal ... December 29	Transmits message for Prime Minister quoting Prime Minister's message in No. 40 ... 23
(iii) Offer of Warships.	
1923	
45 The Governor Newfoundland 12 February 12 (Rec. Feb. 26)	In reply to No. 54 in Dominions No. 82, states that Ministers are prepared to accept responsibility for armaments of ships, including naval stores and ammunition, which have passed under the control of the Newfoundland Government as from date of issue or supply ... 23
46 The Governor-General Canada 114 ... March 9 (Rec. March 19)	States that the Canadian Government concurs in the opinions given in No. 54 in Dominions No. 82, and assumes responsibility for the material in question ... 28
47 The Governor-General Commonwealth of Aus- tralia 109 ... March 26 (Rec. May 7)	Concurs in Admiralty views that the responsibility for the efficiency of the armament, stores and ammuni- tion of His Majesty's ships transferred to the Dominion Governments should rest with the Govern- ment concerned ... 29
48 The Governor-General New Zealand 109 ... May 1 (Rec. June 11)	States that New Zealand Government is prepared to assume responsibility for the efficiency of the arma- ment and stores of His Majesty's ships under its control; but that Returns connected with armament of His Majesty ship "Chatham" will continue to be sent to the Admiralty, and asks for observations thereon, without a specific request being made for these ... 29
49 To the Governor-General New Zealand 183 ... August 14	States that Admiralty agree to furnish observations on Returns forwarded as requested in No. 48 ... 29
50 The Governor-General Union of South Africa 483 ... September 26 (Rec. Oct. 15)	Transmits copy of Ministers' Minute stating that, in their opinion, responsibility for the efficiency of explosives supplied to ships of the South African Naval Service should continue to rest with the Admiralty, but as soon as the Union Government is in a position to supply explosives for the Service the matter will be recon- sidered ... 30

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
51 To the Governor-General Union of South Africa 333 ... December 21	States that Admiralty agree to retain responsibility for the efficiency of explosives supplied to ships of the South African Naval Service, provided that Admiralty are informed of particulars of stocks afloat, and the South African Government accept responsibility for replacements ... 50
(iv) Royal Naval Reserve. Mobilization Procedure.	
1923	
52 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 377 ... October 5	Encloses copy of Special Admiralty Order R.V. 53 C., Mobilization of Royal Naval Reservists Overseas, and enquires whether Ministers agree to Admiralty suggestion that the Order should in future be issued in all cases by the Officers Administering the Governments of Dominions and Colonies ... 31
53 The Governor-General Canada, 555 ... November 5 (Rec. Nov. 17)	Transmits copy of letter from Department of the Secretary of State for External Affairs suggesting, in reply to No. 52, the procedure that should be observed in Canada ... 32
1924	
54 The Governor Newfoundland, 107 December 20, 1923 (Rec. Jan. 12, 1924)	States that Ministers have no objection to the procedure proposed in No. 52 ... 33
55 The Acting Governor-General Union of South Africa, 614 ... December 21, 1923 (Rec. Jan. 14, 1924)	Transmits copy of Ministers' Minute agreeing to the procedure proposed in No. 52, and stating that the mobilization referred to would not affect members of the Royal Naval Reserve domiciled in the Union, unless exemption from service under the Defence Act had been granted by the Union Government ... 33
56 The Governor-General New Zealand, 323 December 17, 1923 (Rec. Feb. 2, 1924)	States that his Government concur in Admiralty suggestion contained in No. 52, so far as New Zealand is concerned ... 34
57 The Governor-General Commonwealth of Australia, 104 ... May 7 (Rec. June 16)	States that the Commonwealth Government is willing to adopt procedure proposed by the Admiralty and set out in No. 52 ... 34
58 Admiralty, Confidential August 12	Transmits copy of a confidential memorandum issued by the Naval Board of Australia relative to the mobilization of the Royal Naval Reserve. Points out that paragraph 3 of the memorandum is not in accordance with the agreed arrangements but, since some alteration may be necessary in the present arrangements asks that the Commonwealth Government may be requested to leave the matter in abeyance for the present ... 34
59 To the Governor-General Commonwealth of Australia, Confidential August 21	Transmits copy of No. 58 ... 36
(v) Reciprocal Utilization of Naval Personnel on Mobilization.	
1923	
60 To the Governor-General Commonwealth of Australia, Confidential February 3	States that it is not anticipated that there will ever be any officers or men on the Active List of the Royal Naval Volunteer Reserve in Australia, and that the Admiralty have no lien on those who have ceased to be on the Active List; adds that the number of retired officers is practically negligible and no list of those resident in Australia is available ... 36

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
61 The Governor-General Union of South Africa, Confidential ... January 26 (Rec. Feb. 13)	Transmits Ministers' Minute stating that under the South Africa Defence Act all officers and men belonging to the Imperial Naval Reserve who are citizens of the Union at the time of mobilization would be liable to be utilized for defence of the Union, and suggesting that Admiralty should from time to time furnish lists of Reserve personnel domiciled in the Union, for whose services a demand would be made ... 37
62 Admiralty Confidential ... March 8	Agrees with view expressed in No. 73 in Dominions No. 82 that the Admiralty communication regarding the settlement of Royal Fleet Reservists in the Dominions and Colonies while retaining their membership of the Reserve should have been addressed to the Secretary of State for the Colonies in the first instance ... 38
63 To the Governor-General Union of South Africa, Confidential ... May 8	States that Admiralty assume from Minute enclosed in No. 61 that Union Government concur in Memorandum C, subject to paragraphs 2 and 3 of the Minute, and replies to points raised in those two paragraphs ... 38
64 The Governor-General Canada, Confidential (2) June 30 (Rec. July 16)	Transmits copy of a letter from Department of External Affairs giving an estimate of the number of Reserves who could be received for training, and the syllabus of training, &c. ... 39
65 To the Governor-General Canada, Confidential July 20	Transmits copies of correspondence between the Admiralty and High Commissioner for Canada regarding the utilization of naval reserve personnel raised in Great Britain who at a time of mobilization are in Canada and <i>vice versa</i> . Asks for more exact information as to extent of reciprocal facilities to be accorded to Admiralty by Dominion Government ... 40
66 To the Governor-General Commonwealth of Australia, Confidential July 20	States that Admiralty have arranged that lists of officers who will be at disposal of Commonwealth Government will be forwarded direct to the High Commissioner in London. As regards ratings, the Imperial Pensions Paymasters in the States are being requested to forward the necessary information direct to the Navy Board, Melbourne. Requests more exact information as to extent of reciprocal facilities to be accorded to the Admiralty by the Commonwealth Government ... 43
67 The Governor-General Union of South Africa, Confidential ... July 9 (Rec. July 31)	Transmits Ministers' Minute stating that they concur in Memorandum C, as assumed by the Admiralty; that they agree where possible to exempt certain citizens as may be called up by the Admiralty; and that they are in agreement with the principle that officers and men in the service of the Union will be paid from Union funds at Union rates of pay and allowances ... 43
68 The Governor-General Canada, Confidential August 23 (Rec. Sept. 4)	Regrets that Department of Naval Defence cannot reciprocate along lines suggested in No. 65, but is willing to place at Admiralty's disposal on mobilization any officers and men training in ships or establishments of His Majesty's Navy, and to pay them from Canadian funds while so serving ... 44
69 To the Governor-General Canada, Confidential October 3	States that Admiralty acknowledge offer made in No. 68, and hope that if the numbers of Canadian Naval personnel should increase in future some arrangements may be made on the lines of Memorandum C, which will enable the Admiralty to make immediate use of Canadian officers and men in this country at the time of mobilization ... 45

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
70 To the Governor-General Union of South Africa, Confidential ... October 8	Conveys Admiralty thanks to Ministers for meeting their wishes with regard to utilization of Naval Reserve personnel ... 45
71 The Governor-General Commonwealth of Australia, Confidential September 13 (Rec. Nov. 20)	Asks that Admiralty may be informed that Commonwealth Government is in accord with suggestion that Regulations for the Royal Fleet Reserve should be modified to admit of members of that force being permitted to retain their membership whilst resident in Australia. Forwards information concerning training facilities available, and a copy of Regulations governing the Royal Australian Fleet Reserve ... 45
1924	
72 The Governor-General Commonwealth of Australia, Confidential December 20, 1923 (Rec. Jan. 29, 1924)	Reports on Naval Reserves maintained by Commonwealth, arrangements for mobilization, and reciprocal facilities which could be accorded to Admiralty in respect of the utilization of Australian Naval Reserve personnel, who at time of mobilization may be in Great Britain ... 46
73 To the Governors-General Canada, Commonwealth of Australia, Confidential September 10	States that Admiralty are issuing instructions to the effect that men of the Royal Fleet Reserve, Classes A and B, may in future be permitted to migrate to [Canada] [Australia] without taking their discharge from the Reserve, and that discharged naval ratings and Royal Marines resident in [Canada] [Australia] if otherwise eligible under the Royal Fleet Reserve Regulations may be enrolled in the Reserve, subject to the conditions stated ... 48
74 To the Governor-General Union of South Africa, Confidential ... October 1	Encloses, and requests Ministers' views on, Admiralty letter setting out proposals for revision of Royal Fleet Reserve Regulations under which residence in this country is a condition of membership. Hopes that there is no objection to retention by Admiralty of a prior claim to services of Reservists resident in the Union. States that Admiralty propose that responsibility for administration of Reserve in South Africa in time of peace, and allocation of Reservists on mobilization, should rest with Imperial Naval Authorities. Requests views on proposed allowances ... 50
75 To the Governor-General New Zealand, Confidential October 1	Transmits, with observations, copy of Admiralty letter of 18th November, 1922, on the subject of the revision of the Royal Fleet Reserve Regulations, in order to enable Reservists who settle in the Dominions to retain their membership of the Reserve, and regarding their employment on mobilization, and asks if Ministers are prepared to co-operate in a scheme on the lines suggested ... 52
76 The Governor-General Canada, Confidential November 3 (Rec. Nov. 14)	Forwards, for transmission to the Admiralty, copy of a communication from the Department of National Defence giving observations on Admiralty proposals set out in No. 73 regarding the training of members of the Royal Fleet Reserve in Canada ... 53
77 To the Governor-General Canada, Confidential December 10	Confirms and quotes telegram approving proposal set out in paragraph 6 of enclosure in No. 76, and transmits observations by Admiralty on points raised with regard to allowance and training of members of Royal Fleet Reserve in Canada ... 50
78 The Governor-General Union of South Africa, Confidential ... December 9 (Rec. Dec. 30)	Transmits copies of Ministers' Minute stating that it is not possible to depart from provisions of Section 124 of the South Africa Defence Act, 1912 (as amended by Act 22 of 1922), but agreeing where possible to certain points as stated, and pointing out the desirability of Reservists residing inland in South Africa undergoing their training at a Coast port ... 57

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
(vi) Scales of Defence for Ports.	
1923	
79 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, New- foundland, Dominions 309, Secret ... August 15	Transmits copies of two memoranda, Nos. 508M and 509M, prepared by the Committee of Imperial Defence, dealing respectively with forms of attack and defence and with probable scales of attack against Dominion and Indian ports. Enquires whether it would be of assistance to Dominion Governments if corresponding statements as to scales of defence were prepared for their ports ... 58
80 The Governor-General Canada, Secret September 15 (Rec. Oct. 1)	States that the National Defence Department would be glad to possess statements, referred to in No. 79, concerning scales of defence for Canadian ports ... 58
81 The Governor-General New Zealand, Telegram, Secret ... October 10 (Rec. Oct. 10)	States that acceptance of the offer in No. 79, regarding scales of defence appears desirable to Ministers, but they leave decision to Mr. Massey ... 59
82 Mr. Marsh to Mr. Massey October 15	Transmits copy of No. 81, and enquires as to his decision ... 59
83 Mr. Massey to Mr. Marsh October 23	Accepts offer regarding preparation of scales of defence referred to in No. 79 ... 59
84 The Governor-General New Zealand, Secret October 11 (Rec. Dec. 4)	Enquires with reference to No. 81 as to Mr. Massey's decision ... 59
85 To the Governor-General New Zealand, Secret December 13	States that Mr. Massey has accepted the offer of the Committee of Imperial Defence on behalf of New Zealand ... 60
86 The Governor-General Commonwealth of Australia, Secret November 12 (Rec. Dec. 18)	Accepts offer of the Committee of Imperial Defence to furnish statements as to scales of defence necessary for defended Australian ports ... 60
1924	
87 The Governor-General Union of South Africa, Secret ... April 4 (Rec. April 23)	Transmits copy of Ministers' Minute accepting the offer to furnish a statement of scales of defence necessary for Union ports ... 60
88 The Governor-General Commonwealth of Australia, Telegram, Secret ... July 15 (Rec. July 15)	Enquires, with reference to No. 86, when statement may be expected ... 61
89 To the Governor-General Commonwealth of Australia, Telegram, Secret ... August 9	States that investigation of scales of defence is proceeding, but report will not be completed for some months ... 61
(vii) Meeting of Flag Officers.	
1923	
90 To the Governor-General Commonwealth of Australia, Secret (2) January 16	States that Admiralty suggests postponement of Flag Officers' Conference pending Ministers' consideration of Memorandum (No. 176C) regarding Empire Naval Policy and co-operation, and that, on the assumption that Ministers concur, no further action in regard to the Conference will be taken at the moment ... 61

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
91 To the Governor-General New Zealand, Secret January 16	Ditto 62
92 The Governor-General New Zealand, Secret (2) May 3 (Rec. June 12)	States that Ministers agree that Conference should be postponed, and note with pleasure that Admiralty hope that it may be possible for the Conference to take place in Australasian waters 62
93 The Governor-General Commonwealth of Australia, Secret June 16 (Rec. July 30)	Agrees that Conference should be postponed 63
1924	
94 To the Governors-General Commonwealth of Australia, New Zealand, Telegram, Secret August 28	States that Admiralty for reasons given consider it important that next Conference of Flag Officers should take place at Singapore, and suggest February, 1925, as a suitable date. Trusts that arrangements will be made for attendance at the Conference of the officers mentioned 63
95 To the Governors-General Commonwealth of Australia, New Zealand, Secret ... September 3	Transmits copy of an Admiralty memorandum on the subject of the proposed Conference of Flag Officers at Singapore, in February, 1925 64
96 The Governor-General Commonwealth of Australia, Telegram, Secret ... September 12 (Rec. Sept. 12)	Concurs in Conference being held at Singapore 65
97 The Governor-General Commonwealth of Australia, Telegram, Secret ... October 7 (Rec. Oct. 7)	Agrees that both First Naval Member and Commodore commanding should attend the Conference, the former hoisting his flag 65
98 The Governor-General New Zealand, Telegram, Secret ... October 10 (Rec. Oct. 10)	States that Ministers regret decision to hold Conference at Singapore, but if decision is unalterable will arrange for the attendance there of the Commodore of the New Zealand Squadron. Urges that future Conferences should be held in Australian waters 65
99 To the Governors-General Commonwealth of Australia, New Zealand, Telegram ... October 24	States that Conference will begin on 23rd February, and that officers taking part should arrive at Singapore on 21st February. [To New Zealand: States that further communication will be sent as regards location of succeeding Conference] 66
100 To the Acting Governor-General New Zealand, Secret November 27	States that Admiralty have no reason to anticipate that there will be any difficulty in arranging for the next Conference to be held in Australian waters 66

(viii) War Memorandum.

1924	
101 To the Governor-General Commonwealth of Australia, Secret September 12	Transmits copy of a War Memorandum prepared by the Admiralty for communication to the Naval Board 66

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
102 To the Governor-General New Zealand, Secret September 12	Transmits copy of a War Memorandum prepared by the Admiralty for communication to the New Zealand Naval Board. States that this method of transmission follows procedure arranged by Admiralty, with concurrence of Commonwealth Government, in 1913 67

B. CANADA.

North America and West Indies Station in time of War.

1923	
103 To the Governor-General Canada, Secret December 15	Transmits for consideration copy of a Memorandum showing the proposed arrangements with regard to the co-ordination of the Imperial and Dominion Forces on the North America and West Indies Station in time of war 67
104 To the Governor Newfoundland, Secret December 15	Ditto 69
1924	
105 The Governor-General Canada, Secret February 11 (Rec. Feb. 25)	States that his Government approves the proposals contained in the Memorandum enclosed in No. 103 69
106 The Governor Newfoundland, Secret March 15 (Rec. April 8)	States that his Ministers concur in the proposals contained in the Memorandum enclosed in No. 103 69

C. AUSTRALIA.

(i) Construction of Cruisers.

1924	
107 The Governor-General Commonwealth of Australia, Telegram, Confidential ... June 11 (Rec. June 11)	Transmits message from Prime Minister for Prime Minister enquiring whether His Majesty's Government are prepared to finance the construction in Britain of one cruiser, and to hand it over to the Australian Government at cost price and, if so, at what date cruiser could be delivered 70
108 To the Governor-General Commonwealth of Australia, Telegram, Confidential ... June 19	Transmits message from Prime Minister for Prime Minister stating that the question raised in No. 107 was brought before the Cabinet and was referred to a Cabinet Committee and that the matter would receive immediate and urgent attention 70
109 The Governor-General Commonwealth of Australia, Telegram, Confidential ... June 20 (Rec. June 20)	Transmits message from Prime Minister for Prime Minister requesting early reply to question raised in No. 107 70
110 To the Governor-General Commonwealth of Australia, Telegram, Confidential ... June 23	Notifies the unavoidable postponement of meeting of Cabinet Committee referred to in No. 108 71
111 To the Governor-General Commonwealth of Australia, Telegram, Confidential ... June 24	States that the Cabinet Committee, after careful consideration, feel unable to recommend that His Majesty's Government should finance construction of one of the proposed Australian cruisers 71

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
112 The Governor-General Commonwealth of Australia, Telegram July 12 (Rec. July 12)	Requests estimate of cost of construction in the United Kingdom of one cruiser and date of delivery and two cruisers and dates of delivery ... 71
113 To the Governor-General Commonwealth of Australia, Telegram July 15	Estimates cost of each cruiser at £2,200,000, including cost of armament and ammunition, and period of construction approximately 3½ years ... 71
114 The Governor-General Commonwealth of Australia, Telegram July 20 (Rec. July 20)	Conveys message from Prime Minister pointing out that the estimate of cost and time of delivery now given does not agree with estimate given when he was in England, and asking for the matter to be considered with a view to delivery more in accordance with the earlier estimate ... 72
115 To the Governor-General Commonwealth of Australia, Telegram July 26	Transmits message for Prime Minister giving full information regarding the cost and time of construction of cruisers ... 72
116 The Governor-General Commonwealth of Australia, Telegram, Secret... September 10 (Rec. Sept. 10)	Reports proposals for inviting tenders from ship builders in three ways. States that it is considered desirable that in Great Britain the High Commissioner should invite tenders on behalf of Commonwealth Government, and requests full and urgent co-operation of Admiralty with High Commissioner and early despatch of plans and specifications of the latest type of 10,000 ton cruiser ... 73
117 To the Governor-General Commonwealth of Australia, Telegram, Secret... September 17	Transmits message for Prime Minister from First Lord of the Admiralty promising to do everything possible to assist High Commissioner and Naval Board for inviting tenders for cruisers without delay, but remarking that preparation of drawings, etc., will take some time ... 73
118 The Governor-General Commonwealth of Australia, Telegram September 26 (Rec. Sept. 26)	States that Ministers appreciate co-operation of His Majesty's Government, and would be glad to receive sufficient plans and specifications to meet the requirements of prospective tenders in Australia ... 74

(ii) Construction of Submarines.

1924	
119 The Governor-General Commonwealth of Australia, Telegram October 20 (Rec. Oct. 20)	Requests that plans and specifications be made available to enable tenders to be called immediately in Great Britain for the building of two cruiser submarines ... 74
120 To the Governor-General Commonwealth of Australia, Telegram October 27	States, with reference to No. 119, that Admiralty will be pleased to afford all possible assistance and have communicated with the High Commissioner ... 74
121 The Governor-General Commonwealth of Australia, Telegram, Secret... November 3 (Rec. Nov. 3)	States that term "cruiser submarines" was used in error in No. 120, and explains that vessels should have been designated ocean-going submarines of latest [? type] ... 75

(iii) Interchange of Cruisers.

1924	
122 The Governor-General Commonwealth of Australia, Telegram, Confidential... August 16 (Rec. Aug. 16)	States that Australian Government is anxious for the early initiation of the proposed interchange of Royal Navy, and Royal Australian Navy light cruisers. Gives reasons why Australian cruiser cannot leave Australia before December, and asks if Royal Navy cruiser can sail about 1st November ... 75

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
123 To the Governor-General Commonwealth of Australia, Telegram, Secret... August 30	States that H.M.S. "Concord" will rendezvous with H.M.A.S. "Adelaide" at Malta in November and proceed with her to Australia. States that Admiralty, in view of Singapore Conference, suggest Australian cruiser attending Conference exercises with China or East Indies Squadron, but would be glad for a vessel to be sent both to Singapore and to Europe ... 75
124 To the Governor-General Commonwealth of Australia, Secret September 1	Transmits, with observations, copy of an Admiralty Memorandum on the interchange of light cruisers ... 76
125 The Governor-General Commonwealth of Australia, Telegram, Secret... October 7 (Rec. Oct. 7)	States that light cruisers "Sydney" and "Brisbane" will be sent to Singapore Conference, the latter to subsequently join China Squadron, and suggests that "Adelaide" and "Concord" proceed direct to Singapore, and states that it will not be possible to send vessel to Europe as well as to China Squadron ... 77
(iv) Interchangeability of Officers.	
1924	
126 To the Governor-General Commonwealth of Australia, 266... July 25	Encloses memorandum giving views of Admiralty on future policy for common training and interchangeability of officers of Royal Navy and Royal Australian Navy, and a copy of the relevant portion of an Australian Naval Staff paper on the subject. States that Admiralty concur in publication by Commonwealth Naval Board of the main lines of the arrangement ... 77
127 The Governor-General Commonwealth of Australia, Telegram December 17 (Rec. Dec. 17)	States that Ministers concur generally in proposal relative to the interchange of Naval officers, subject to further consideration regarding common seniority list for executive officers and their promotion procedure for final adjustment ... 78

D. NEW ZEALAND.

(i) New Zealand Naval Policy.

1923	
128 To the Governor-General New Zealand, Telegram January 15	States that Admiralty agree to lend 200 officers and men for three years provided similar number of those now on loan are returned to Royal Navy. Steps will be taken to obtain volunteers when lists are received ... 78
129 The Governor-General New Zealand, Telegram January 23 (Rec. Jan. 26)	Calls attention to arrangements made with regard to officers and men who came out in the "Chatham," and states New Zealand's requirements for 1923 and subsequently. Requests that volunteers be called for immediately and suggests that the position should be discussed with Captain Prickett who is on his way home ... 79
130 The Governor-General New Zealand, Telegram February 9 (Rec. Feb. 9)	Suggests that appointment as Commodore commanding New Zealand Division in relief of Commodore Hotham may be offered to one of officers named ... 79
131 To the Governor-General New Zealand, Telegram February 19	Requests, in reply to No. 129, telegraphic information as to requirements and suggests recruitment on permanent basis from discharged officers and ratings until trained New Zealand men are available ... 79

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
132 The Governor-General New Zealand, Telegram February 26 (Rec. Feb. 26)	States that Ministers hope that all ranks and ratings may be obtained on loan from Royal Navy; they do not favour recruitment from discharged officers and ratings; lists of requirements should reach Admiralty by 20th February ... 80
133 To the Governor-General New Zealand, Secret (2) March 9	States that Admiralty desire attention of Ministers be invited to paragraphs of Secret Memorandum No. 176C dealing with Oil Fuel Reserves, and gives reasons for the immediate establishment of a Reserve in New Zealand. Hopes that provision will be made in 1923-24 Estimates ... 80
134 To the Governor-General New Zealand, Telegram March 10	Summarizes No. 133 ... 81
135 The Governor-General New Zealand, Telegram May 7 (Rec. May 7)	States that the erection of an oil tank at Auckland is being provided for in the Estimates ... 81
136 The Governor-General New Zealand, Secret May 17 (Rec. June 25)	States the provisions being made for an adequate oil fuel supply, and requests a definite statement by the Admiralty in regard to the replacement of H.M.S. "Chatham" by an oil-burning cruiser, with more exact information as to date available ... 81
137 The Governor-General New Zealand, Telegram (Extract) ... July 4 (Rec. July 4)	Summarizes Budget statement on Naval defence delivered by Prime Minister to Parliament on 3rd July ... 82
138 To the Governor-General New Zealand, Telegram August 4	States that Admiralty can offer one D. Class light cruiser not later than August, 1924, and, if required, second vessel of same class in 1925, and gives conditions of loan. Also states that a suitable Oiler will be available in August, 1924, and gives net cost of charter ... 83
139 The Governor-General New Zealand, Telegram, Secret ... August 30 (Rec. Aug. 30)	States that question of light cruisers referred to in No. 138 will be discussed by New Zealand Prime Minister during his visit to England ... 83
140 Mr. E. Marsh (Colonial Office) to Mr. W. F. Massey October 2	Enquires whether the New Zealand Government is prepared to accept the loan of the oil-burning cruiser "Dunedin" to replace the "Chatham" next year ... 84
141 Mr. W. F. Massey to Mr. E. Marsh ... October 4	States in reply to No. 140 that the New Zealand Government is prepared to take the oil-burning cruiser "Dunedin" in exchange for H.M.S. "Chatham" at any date suitable to the Admiralty ... 84
142 Mr. E. Marsh to Mr. W. F. Massey November 23	States that the Admiralty are prepared to lend the Oiler "Dredgol" to work with H.M.S. "Dunedin" on the terms and conditions set forth. Gives particulars of the vessel ... 84
143 Mr. W. F. Massey to Mr. E. Marsh ... November 27	Requests, in reply to No. 142, that the Admiralty be informed of, and gives, the requirements with regard to the "Dredgol" ... 85
1924	
144 To the Governor-General New Zealand, Telegram January 9	Gives particulars regarding the loan of the Oiler "Dredgol" for which the Admiralty now propose to substitute the "Nucula." Requests concurrence in the proposed arrangement ... 86

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
145 To the Governor-General New Zealand, 16 January 12	Transmits copies of Nos. 140-143, and amplifies No. 144 ... 86
146 The Governor-General New Zealand, Telegram January 29 (Rec. Jan. 29)	Concurs generally in proposed arrangement set out in No. 144 ... 87
147 To the Governor-General New Zealand, Telegram February 21	Submits proposals with regard to the date of the exchange of "Dunedin" with "Chatham" and the liabilities for charges, and enquires as to views of Ministers as regards Admiralty offer of second light cruiser in 1925 ... 87
148 To the Governor-General New Zealand, Telegram February 21	States that New Zealand Government will be asked to meet cost of certain special permanent stores supplied to "Dunedin" in excess of normal equipment ... 88
149 The Governor-General New Zealand, Telegram February 25 (Rec. Feb. 25)	States, in reply to No. 147, that Prime Minister is unable to give an answer with regard to Admiralty offer of second light cruiser in 1925 until Parliament has met ... 88
150 The Governor-General New Zealand, Telegram March 7 (Rec. March 7)	States with reference to No. 147 that Ministers accept proposals therein and enquires whether Imperial Government will pay for fuel for "Chatham" from date of leaving New Zealand and whether New Zealand Government will be credited with value of stores remaining in vessel on her departure ... 88
151 To the Governor-General New Zealand, Telegram April 15	Replies to points raised in No. 150, and gives further details as to charges ... 88
152 The Governor-General New Zealand, 73 ... April 8 (Rec. May 15)	Accepts the loan of the Oiler "Nucula" in substitution for the "Dredgol" and agrees to arrangements re charges for liabilities from date on which the vessel is taken over ... 89
153 To the Governor-General New Zealand, 125 ... July 9	States that Admiralty desire that settlement of claims for hire be effected in London by the High Commissioner, and proposes to include value of oil fuel, stores, and public money in the master's hands on date of transfer in the first or a subsequent claim ... 90
154 The Governor-General New Zealand, Telegram July 24 (Rec. July 24)	States that Prime Minister laid financial statement before House of Representatives. It foreshadowed a further reduction in income tax and proposed to earmark a sum of £100,000, originally intended as a contribution toward Singapore Base, for maintenance of second light cruiser when required ... 90
155 The Governor-General New Zealand, 194 September 13 (Rec. Oct. 15)	Concure in arrangements proposed in No. 153 ... 90
156 The Governor-General New Zealand, Telegram November 7 (Rec. Nov. 7)	Reports that in the Appropriation Act, assented to on 6th November, provision is made for expenditure of £100,000 towards cost of provision and maintenance of an additional cruiser, and that the Section of the Act will remain in force until 31st March, 1926 ... 91

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
(ii) Gift of Rescue Tug.	
1923	
157 The Prime Minister New Zealand to Secretary of State October 18	Explains that a Rescue Tug is a necessity to the New Zealand Government, and suggests that the Admiralty offer one of their tugs on the understanding that its services were given free to all British Government vessels. States that the tug would be taken up in England in sea-going condition without further burden to the British Government ... 91
158 Mr. E. Marsh to Mr. W. F. Massey October 23	States, with reference to No. 157, that the matter is being referred to the Admiralty ... 92
159 Mr. E. Marsh to Mr. W. F. Massey November 26	States that it is understood from the Admiralty that there are two vessels for disposal, but consideration of the question as to whether one of them can be presented to New Zealand cannot, owing to the Dissolution, be decided at present ... 92
1924	
160 Office of the High Commissioner for New Zealand ... April 17	Transmits copy of letter to Admiralty dated 21st February, regarding the presentation to New Zealand of a tug of the "Saint" class, and asks for information as to the present position ... 92
161 To the Governor-General New Zealand, Telegram September 1	States, that His Majesty's Government will propose to Parliament that "Saint" class tug be presented to New Zealand Government, subject to that Government bearing cost of putting vessel into seagoing condition, as well as cost of sailing the vessel to New Zealand ... 93
162 The Acting Governor-General New Zealand, Telegram December 10 (Rec. Dec. 10)	States that New Zealand Government would gladly accept "Saint" class tug under conditions specified in No. 161 ... 93
(iii) Wireless Stations at Awanui and Apia.	
1924	
163 To the Governor-General New Zealand, Secret January 16	Transmits copy of letter from Mr. Massey forwarding certain notes drawn up by Rear-Admiral A. Hotham regarding Empire naval policy. Remarks upon the advantages which would attend the modernization of Awanui and Apia wireless stations and states that the Admiralty would be willing to furnish advice as to the best methods of effecting such modernization ... 94
164 The Governor-General New Zealand, Secret April 28 (Rec. May 29)	States that New Zealand Government accept Admiralty offer of advice on modernization of Awanui and Apia wireless stations, and conveys information required concerning the two stations as they are at present ... 95
165 Admiralty Confidential ... October 13	Forwards suggestions as to the best method of carrying out the modernization of the wireless stations at Awanui and Apia ... 96
166 To the Governor-General New Zealand, Secret October 24	Transmits copy of No. 165 ... 97

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
E. UNION OF SOUTH AFRICA.	
Naval Discipline.	
1923	
167 The Governor-General Union of South Africa, 129 ... April 6 (Rec. April 23)	Transmits Minute from Ministers and correspondence with Naval Authorities, Simonstown, as to the continued application of the Naval Discipline Act in view of the decision not to introduce during the present Parliamentary Session any amendments to the South Africa Defence Act ... 97
MILITARY.	
A. CHANNELS OF COMMUNICATION REGARDING MILITARY MATTERS.	
168 (Extract) ...	Draft of proposed new War Office Instructions regarding correspondence with the Dominions and Colonies ... 99
B. INTERCHANGE OF OFFICERS.	
1923	
169 To the Governor-General New Zealand, Telegram March 16	Proposes that scheme for the interchange of three New Zealand officers for period of two years with three officers of British units serving in India be put into operation forthwith. Suggests that, if Ministers approve, further arrangements should be made direct with Government of India ... 100
170 The Governor-General Commonwealth of Australia, 22 ... January 15 (Rec. March 16)	Transmits copy of despatch to Government of India concerning proposals for the interchange of an officer from Australia for twelve months with one from India, and submits proposals for interchange of officers for twelve months between the Commonwealth and the United Kingdom ... 101
171 To the Governor-General Commonwealth of Australia, Telegram April 30	States that Army Council agrees to proposals for the interchange of officers with the United Kingdom set forth in No. 170, but prefer that interchange should be for period of two years instead of one ... 103
172 The Governor-General Commonwealth of Australia, Telegram June 2 (Rec. June 2)	States that Commonwealth Government agrees to the period of interchange being for two years ... 103
173 Government of India to Governor-General Commonwealth of Australia ... July 17	States that the Government of India has decided to accept alternative (b) as set forth in enclosure to No. 170, on the understanding that the pay of the interchanged officers and the cost of their passage to and fro will be defrayed by their respective Governments, and gives name of officer selected to proceed from India ... 103
174 The Governor-General Commonwealth of Australia, Telegram August 1 (Rec. Aug. 1)	Enquires as to which of the alternatives (a) and (b) set out in No. 170 is desired by the Army Council ... 105
175 To the Governor-General Commonwealth of Australia, Telegram August 11	States, in reply to No. 174, that Army Council prefer alternative (a), are taking steps to select suitable officer, and suggest that interchange should take place toward end of the year ... 105
1924	
176 The Governor-General Commonwealth of Australia, 81 ... April 14 (Rec. June 2)	Transmits copy of a memorandum submitted by the Commonwealth Department of Defence forwarding suggestions and proposals with regard to the interchange of officers between the United Kingdom and Australia ... 103

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
177 The Governor-General Canada, Confidential June 30 (Rec. July 14)	Transmits copy of a Minute of the Privy Council for Canada stating that the Government of Canada are in general accord with, and accept the principles and provisions contained in, the "Memorandum on the subject of Loans, Attachments and Interchanges between individuals belonging to the Military Forces of the Empire," a copy of which was enclosed in No. 77 in Dominions No. 72 ... 106

C. UTILIZATION OF RESERVE OFFICERS AND MEN ON MOBILIZATION.

1922	
178 The Governor-General Commonwealth of Australia, 197 ... May 13 (Rec. June 29)	Raises the question of the desirability of an officer holding a commission in the British Army concurrently with a commission in the Commonwealth Forces under the Defence Act, and enquires as to the views of the Army Council with regard to the disposal, in event of the outbreak of war, of British or Indian Army Officers resident in Australia ... 107
1923	
179 To the Governors-General and Governor Canada 520, New Zealand 225, Newfoundland 123 ... October 30	States that Army Council have no objection to an officer holding a commission in the Forces of a self-governing Dominion concurrently with his commission in the British Army, and are prepared to surrender to the Dominion Governments the first call on the services of officers of the Reserve of Officers permanently resident in the Dominion, subject to the recall of a certain number of officers in receipt of retired pay for service with the British Army. Discusses the general position of officers of the Regular Reserve of Officers and men of the Army Reserve domiciled in the Dominions ... 108
180 To the Governor-General Commonwealth of Australia, 418 ... October 30	Discusses the position of officers of the Regular Army Reserve of Officers and men of the Army Reserve domiciled in the Commonwealth of Australia ... 109
181 To the Governor-General Union of South Africa, 280 ... October 30	Discusses the position of officers of the Regular Army Reserve of Officers and men of the Army Reserve who are domiciled in the Union of South Africa ... 111
1924	
182 To the Governors-General and Governor Canada 34, Commonwealth of Australia 27, New Zealand 20, Union of South Africa 23, Newfoundland 8 January 18	Discusses the position of British Officers of the Indian Army resident in the Dominions ... 112
183 The Governor-General Union of South Africa 32 ... January 31 (Rec. Feb. 19)	Transmits copy of Minute from Ministers concurring in the proposals set forth in No. 181, and requesting that officers concerned should be advised that it is open to them to apply for transfer to the Union Defence Forces ... 113
184 The Governor-General New Zealand 13 February 1 (Rec. March 17)	States that, in the event of war in which New Zealand becomes involved, the New Zealand Government would be glad to accept services of officers and men referred to in No. 179, and summarizes the liability to serve in the New Zealand Forces ... 114
185 The Governor Newfoundland 29 March 10 (Rec. March 29)	Concurs in proposals outlined in No. 182 ... 115

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
186 The Governor-General Commonwealth of Australia 34 February 22 (Rec. March 31)	States that the Commonwealth Government concurs in proposals outlined in No. 180, and that the Minister for Defence presumes that no reduction would operate by reason of employment in peace training in the Australian Citizen Forces for non-continuous periods. Forwards copy of the Commonwealth Defence Act, 1903-18, and invites attention to certain sections dealing with the information asked for ... 115
187 The Governor-General Union of South Africa 116 ... March 20 (Rec. April 8)	Transmits copy of Minute from Ministers concurring in the proposals set forth in No. 182, and asking for a list of officers retired from the Indian Army who are permanently resident in the Union, and whose services would be required by the Government of India ... 116
188 The Governor-General New Zealand 59 March 21 (Rec. May 3)	States that the New Zealand Government concurs in proposals contained in No. 182 ... 116
189 To the Governors-General and Governor Canada 179, Commonwealth of Australia 161, New Zealand 76, Union of South Africa 130, Newfoundland 63 May 3	States that it has been decided to include in the Regulations for the Army in India Reserve of Officers a rule to the effect that an officer of that Reserve should relinquish his commission if he becomes permanently resident in a Dominion ... 117
190 The Governor-General Commonwealth of Australia 83 ... April 15 (Rec. June 2)	States that the Commonwealth Government desires that officers not on the active list should not be required to relinquish their Imperial Commissions on being granted a commission in the Commonwealth Citizen Military Forces, and that the retention of their former commissions would not prevent their being placed at disposal of British or Indian Army in time of war ... 117
191 The Governor-General Canada 260 ... June 16 (Rec. June 25)	States that Canadian Government concurs in proposals contained in No. 179 ... 118
192 The Governor-General Canada 415 September 30 (Rec. Oct. 10)	States that Department of National Defence concurs in the proposals contained in paragraphs 2, 3, 4 and 5 of No. 182 ... 118

D. REGIMENTAL ALLIANCES.

1924	
193 To the Governors-General and Governor Canada, Confidential (2), Commonwealth of Australia, Confidential, Union of South Africa, Confidential, Newfoundland, Confidential ... May 6	Requests Ministers' views on the suggested amendment of the rules governing alliances between regiments of the Local Forces of the self-governing Dominions and regiments of the Regular and Territorial Armies 115
194 To the Governor-General New Zealand, Confidential ... May 6	Ditto ... 119
195 The Governor Newfoundland, Confidential ... May 31 (Rec. June 16)	States that as the Royal Newfoundland Regiment has been disbanded Ministers do not wish to express any views on the amendment proposed in No. 193 ... 120
196 The Governor-General Canada, Confidential June 9 (Rec. June 18)	Concurs in the amendment proposed in No. 193 ... 120

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
197 The Governor-General Union of South Africa, Confidential ... June 30 (Rec. July 21)	Transmits Ministers' Minute reporting that there is no objection to the amendment proposed in No. 193 120
198 The Governor-General New Zealand, Confiden- tial ... July 18 (Rec. Aug. 25)	States that Ministers concur in the amendment pro- posed in No. 194 and gives names of Regiments which desire an alliance with two British regiments ... 121
199 The Governor-General Commonwealth of Aus- tralia, Confidential July 24 (Rec. Sept. 8)	States that amendment proposed in No. 193 is accept- able to Ministers ... 121
200 To the Governors-General and Governor Canada, Common- wealth of Australia, New Zealand, Union of South Africa, New- foundland, Confidential November 12	States that His Majesty has approved the annulment of the restriction that only one Unit of the Forces of each Dominion should be allied to a Unit of the British Army and vice versa ... 122

NAVAL AND MILITARY.

IRISH FREE STATE.

Position of British Naval and Military Reservists resident in the Irish Free State.

1923	
201 To the Governor-General Irish Free State 465 August 4	Calls attention to the present position of (a) Naval Reservists and (b) British Army Reservists, resident in the Free State, and urges co-operation in principle with a scheme for the performance of recruiting, training and mobilization duties, etc., by officers now substituted for previous Board of Trade and Board of Customs and Excise Officers in the Free State. Enquires whether any legislation will be required in the Free State to enable any measures agree upon to be put into effect ... 122
1924	
202 The Governor-General Irish Free State 184 May 13 (Rec. May 14)	States that Ministers consider that arrangements should be made whereby existing Reservists would be given the option of withdrawing from their obliga- tions, and are prepared to co-operate in the scheme referred to in No. 201, but point out that it would be desirable for any arrangements made to be subject to review at end of five years specified in Treaty of 6th December, 1921 ... 123
203 To the Governor-General Irish Free State 526 September 5	States that views expressed in No. 202 have been brought to the notice of the Admiralty, War Office and Air Ministry, and encloses copy of War Office memorandum on the subject ... 124

AIR.

A. EMPIRE AIR CO-OPERATION.

1924	
204 To the Governors-General Canada, Secret, Com- monwealth of Australia, New Zealand, Secret (2) January 16	Transmits summaries of proceedings of a conference between the Air Staff and the technical advisers to the Governments of Canada, Commonwealth of Australia and New Zealand, which took place during the 1923 Imperial Conference, and enquires whether Ministers concur in the recommendations put forward for the organization of the Air Forces of those Dominions ... 125

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
205 To the Governor-General Union of South Africa, Secret ... January 16	Transmits copy of Memorandum containing proposals for co-operation of British and South African Air Forces in matter of Training and Organization, and enquires if Ministers approve these proposals, and, if so, what action is proposed in regard to them ... 128
206 The Governor-General Union of South Africa, Secret ... April 10 (Rec. April 29)	Transmits copy of Ministers Minute to the effect that Memorandum enclosed in No. 205 is under consider- ation and stating that the policy of the Union Government in regard to the development of flying in South Africa is to follow closely aircraft development in Europe, and adopt machines best suited to con- ditions in South Africa ... 129
207 To the Governor-General Canada, Secret September 30	Transmits copy of a Memorandum by the Air Council on the subject of co-operation between the Royal Air Force and the Royal Canadian Air Force in the matter of personnel ... 130
208 To the Governor-General Commonwealth of Australia, Secret September 30	Transmits copy of a Memorandum by the Air Council on the subject of co-operation between the Royal Air Force and the Royal Australian Air Force in the matter of personnel, and remarks on the schemes out- lined in the Memorandum, with special reference to Brigadier-General Blaney's alternative to Scheme 1 130
209 To the Governor-General New Zealand, Secret September 30	Transmits, with observations, copy of a Memorandum by the Air Council on the subject of co-operation between the Royal Air Force and the New Zealand Air Force in the matter of personnel ... 131
210 To the Governor-General Union of South Africa, Secret ... December 15	Transmits, with observations, further memoranda on co-operation between the Royal Air Force and the South African Air Force as regards personnel, and states that, should the Union Government so desire, the Air Council will suggest definite schemes to implement the alternative proposals put forward by the Council ... 132

B. AIR POLICY IN GREAT BRITAIN.

1923	
211 To the Governors-General and Governor Canada, Common- wealth of Australia, New Zealand, Union of South Africa, New- foundland, Dominions 244, Irish Free State 412 ... July [7] [12]	Transmits copy of an extract from the House of Commons official report of the 26th June, containing a statement by the Prime Minister in regard to Air Policy ... 132

C. STANDARDIZATION OF AIR SERVICE EQUIPMENT.

1924	
212 To the Governors-General Canada 290, Common- wealth of Australia 197, New Zealand 96, Union of South Africa 159 ... June 2	States that Air Council propose to hold a Conference on the 1st October, 1924, on the standardization of stores and equipment, and invite Dominions to nominate representatives. Encloses for consider- ation a copy of the Agenda ... 131
213 To the Governor-General Irish Free State 385 June 24	Invites the Irish Free State Government to nominate representatives to attend the proposed Conference and encloses for consideration a copy of draft Agenda ... 134
214 The Governor-General Canada 291 ... June 30 (Rec. July 18)	States that Wing-Commander E. W. Stedman has been nominated as representative at Conference ... 135

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
215 The Governor-General Union of South Africa 367 ... July 30 (Rec. Aug. 18)	Transmits Minute from Ministers to the effect that it is not proposed to nominate a representative to attend Conference, but asking that particulars of the results of the Conference may be furnished ... 135
216 The Governor-General New Zealand 149 July 30 (Rec. Sept. 4)	States that Ministers regret that there are no technical officers at present available to represent New Zealand at the Conference, but would be obliged if particulars of the deliberations and decisions arrived at could be forwarded for the information of the New Zealand Air Force staff ... 136
217 The Governor-General Irish Free State 374 September 24 (Rec. Sept. 25)	States that Ministers do not propose to nominate a representative to attend Conference ... 136
218 The Deputy-Governor General Commonwealth of Australia 229 ... August 22 (Rec. Sept. 29)	States that Wing-Commander R. Williams is nominated as Commonwealth representative at Conference, and that draft Agenda is considered satisfactory. Adds that Royal Air Force policy was adopted as a general principle to be followed in connexion with formation of Royal Australian Air Force ... 136

CENSORSHIP.

1923	
219 To the Governors-General and Governor Canada, Common- wealth of Australia, New Zealand, Union of South Africa, New- foundland, Dominions 50, Secret ... February 16	Refers to No. 170 in Dominions No. 82, and transmits, with observations, copy of a Report on "Postal Censorship during the Great War," together with draft "Regulations for Postal Censorship in Time of War or Emergency." Also encloses "Memoranda on the action to be taken by His Majesty's Government," drawn up under the direction of Committee of Imperial Defence, and requests observations of Ministers thereon ... 137
220 The Governor-General New Zealand, Secret March 13 (Rec. May 28)	With reference to No. 170 in Dominions No. 82, states that his Ministers consider the draft Regulations and Memoranda enclosed therein are generally suitable with the exception that there is no mention of the Apia Wireless Station, and remarks on existing provisions for appointment of radio censors ... 137
221 The Governor-General New Zealand, Secret (Extract) ... May 3 (Rec. June 12)	States, in reply to No. 219, that Ministers are in general agreement with, and have no amendments to suggest to, draft documents enclosed therein ... 138
222 The Governor-General Union of South Africa, Secret ... May 25 (Rec. June 27)	Refers to No. 170 in Dominions No. 82, and No. 219, and submits Minute by Ministers stating that Ministers find themselves generally in agreement with the principles enunciated in the draft Regulations and Memoranda, and enquiring as to certain points in connexion therewith ... 138
223 The Governor-General Canada, Secret ... June 25 (Rec. July 5)	States that Canadian Government is in general agreement with Regulations enclosed in No. 219 ... 139
224 The Governor-General Canada, Secret ... June 27 (Rec. July 9)	Refers to No. 170 in Dominions No. 82, and states that Canadian Department of National Defence is in general agreement with the three documents enclosed ... 140
225 To the Governor-General Union of South Africa, Secret ... July 9	Replies to points raised in Ministers' Minute enclosed in No. 222 ... 140

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
226 The Governor-General Commonwealth of Australia, Secret ... May 29 (Rec. July 16)	Refers to No. 170 in Dominions No. 82, and states that he is advised by his Prime Minister that his Government concurs in the proposed Regulations, subject to certain corrections ... 140
1924	
227 The Governor Newfoundland, Secret December 18, 1923 (Rec. Jan. 19, 1924)	Refers to No. 170 in Dominions No. 82, and states that his Ministers are in general agreement with the scheme as revised and have no suggestions to offer regarding its amendment. Points out a few corrections that are needed in the documents ... 141
228 The Governor-General Commonwealth of Australia, Telegram January 25 (Rec. Jan. 25)	Refers to No. 219 and states that Commonwealth Government agrees generally in proposals contained therein, and has no amendments to suggest ... 141
229 The Governor Newfoundland, Secret March 29 (Rec. April 15)	Acknowledges No. 219, and states that his Ministers are in general agreement with proposals as outlined, and have no objection or amendments to offer in respect of the draft Regulations ... 142

FURTHER CORRESPONDENCE WITH THE SELF-GOVERNING DOMINIONS.

[1923—1924, and one Paper of 1922 (No. 178)].

IMPERIAL CONFERENCE, 1923.

Secretariat Note.—A summary of the proceedings of the Imperial Conference, 1923, on Defence matters is contained in the Summary of Proceedings of the Conference (Cmd. 1987), Section XII, pages 15-17.

NAVAL.

A. GENERAL.

- (1) Empire Naval Policy and Co-operation.
(See pages 2-7 of Dominions No. 82.)

19235

No. 1.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 17th April, 1923.)

(Secret.)

MY LORD DUKE, Governor-General's Office, Cape Town, 29th March, 1923.

I HAVE the honour to transmit to Your Grace herewith, with reference to your despatch Dominions No. 431, Secret, of the 23rd December, 1922,* copy of Minute from Ministers on the subject of Empire Naval Policy and Co-operation.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 1.

MINUTE 203.

Prime Minister's Office, Capetown, 28th March, 1923.

WITH reference to His Royal Highness the Governor-General's minute No. 2/1832 (Secret), of the 18th January last, forwarding copy of Secret despatch Dominions No. 431, dated 23rd December, 1922, from the Right Honourable the Secretary of State for the Colonies, covering a Secret memorandum prepared for the Committee of Imperial Defence (No. 176—C), on the subject of Empire Naval Policy and Co-operation, Ministers have the honour to inform His Royal Highness as follows:—

- (1) Paragraph 44, Secret memorandum (No. 176—C).

Tanks for the storage of oil-fuel at Simonstown are being built, and it is probable that the work will be completed during the coming financial year, 1923-24. As soon as the tanks are erected, arrangements will be made for a supply of oil-fuel being obtained.

- (2) Summary of further steps taken by the Union Government in connexion with Naval Services.

It may serve a useful purpose to state here shortly what further steps have been and are being taken by the Union Government in the matter of Naval Services generally.

* No. 2 in Dominions No. 82.

(a) *South Africa Naval Service.*

The Survey Sloop and two Minesweeping Trawlers obtained by the Union Government from His Majesty's Government after the Imperial Conference in 1921, are being used as intended, viz. :—

- (i) The role of the Survey Sloop is the hydrographic survey of South African waters under Admiralty direction, and when not so employed, it will carry out fishery research work.
- (ii) The role of the Trawlers is to visit the coast ports, and train the personnel of the Minesweeping Section of the Royal Naval Volunteer Reserve (South Africa Division), referred to below.

At present these Trawlers are engaged in training their Permanent Ships' personnel.

(b) *Royal Naval Volunteer Reserve (South Africa Division).*

This Division of the Royal Naval Volunteer Reserve consists of three Sections, a General Service, a Minesweeping and a War Reserve Section.

- (i) *The General Section* at present consists of five Companies comprising volunteers who have entered for training in the South Africa Division. The personnel is intended primarily to supplement His Majesty's ships on the Africa Station in time of war, by supplying tradesmen such as fitters, carpenters, etc. They will also be available for duty in connexion with the Naval Control Service, e.g., as crews for any Auxiliary Cruisers that may be put into commission, or as gun crews for merchantmen armed for self-protection. Further, they will man the small craft necessary for harbour control and examination services, and undertake whatever naval transportation duties may be required ashore.

These Companies embark annually for training on His Majesty's ships.

- (ii) *The Minesweeping Section* will consist of four Flotillas, and will comprise the personnel to man Auxiliary Trawlers, which in time of war will have assigned to them the task of maintaining the free navigation of the Union's sea trade routes. At present, three Flotillas have been authorized, and sixteen vessels, after having been "sighted," have been noted as suitable for Minesweeping duties.

- (iii) *The War Reserve Section.*—Arrangements are being made to organize a War Reserve Section, to which will be posted all personnel who have completed their Royal Naval Volunteer Reserve training, and also all ex-members of the Royal Navy or Mercantile Marine resident in the Union and available in case of emergency to supplement the Royal Naval Volunteer Reserve (South Africa Division).

(c) *Provision of Store and Workshop Accommodation—East Dockyard, Simonstown.*

The Union Government has agreed to provide new store and workshop accommodation in the East (or new) Dockyard, in order to make that Dockyard self-contained, and to release accommodation which might be required for the South African Naval Services in the West (or old) Dockyard.

The Union Parliament has approved of the following Services, viz. :—

	£
(i) Plumbers Shop and Galvanizing Shop ...	3,000.
(ii) Extension of Fitting Shop with Pattern Shop ...	20,000.
(iii) Electric Generating Station and Battery Room ...	40,000.
(iv) Machinery for (i), (ii) and (iii) above ...	80,000.
(v) Store for Guns and Gun Mountings ...	19,000.
Total	£162,000.

An amount of £25,000 was included in the expenditure from Loan Funds voted by the Union Parliament for the year ending 31st March, 1923, in order that a beginning might be made with these works.

J. C. SMUTS.

20225

No. 2.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 155. Secret.)

[MY LORD,] [SIR]

Downing Street, 8th May, 1923.

WITH reference to my Secret despatch Dominions No. 431 of the 23rd of December last,* I have the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that paragraph 48 of the memorandum No. 176—C, on the subject of Empire Naval Policy and Co-operation, should be amended as follows :—

Honkong and Fiji.—These Colonies, being east of longitude 110 degrees E, are, therefore, affected by the *status quo* clause of the Four-Power Naval Treaty. The only local measure they can undertake appears to be that of the institution of Naval Volunteer Organizations. Apart from this, monetary contribution to the Fleet is the only form of co-operation open to them.

I have, &c.,
DEVONSHIRE.

29994

No. 3.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 15th June, 1923.)

(Secret.)

Governor-General's Office, Melbourne,

MY LORD DUKE,

7th May, 1923.

WITH reference to Your Grace's despatch dated 23rd December, 1922, Dominions No. 431, Secret,* covering a copy of a Secret memorandum prepared for the Committee of Imperial Defence (No. 176-C) on the subject of Empire Naval Policy and Co-operation, I have the honour, at the instance of my Prime Minister, to inform you that the Commonwealth Government would be glad if an opportunity could be afforded to discuss the important issues raised in the document in question at the forthcoming Imperial Conference.

I have, &c.,
FORSTER,
Governor-General.

38801

No. 4.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 12 noon, 10th August, 1923.)

TELEGRAM.

[Answered by Nos. 5 and 6.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

10TH AUGUST. Secret. Following from Prime Minister for your Prime Minister :—

Begins: Admiralty have asked that Dominion Prime Ministers may be informed that they would be glad if any proposals or suggestions regarding

* No. 2 in Dominions No. 82.

naval co-operation, which Prime Ministers desire to bring up at the Imperial Conference, might be telegraphed as soon as possible after receipt of Admiralty memoranda prepared for Conference now in course of transmission. This would afford time for consideration by Naval Staff in advance of the Conference and for collection of any information supplementing memoranda which have been prepared as staff papers for the sake of brevity and to facilitate discussion.

Similar telegram sent to other Prime Ministers. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

40885

No. 5.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.32 p.m., 15th August, 1923.)

TELEGRAM.

15TH AUGUST. Secret. Your telegram of 10th August, Secret.* Naval matters at Imperial Conference. Prime Minister asks me to inform you that as the Admiralty memorandum will not arrive until shortly before his departure for England he fears that it will be impossible for any proposals on behalf of Union to be telegraphed.—GOVERNOR-GENERAL.

42343

No. 6.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.32 a.m., 25th August, 1923.)

TELEGRAM.

25TH AUGUST. Secret. Your telegram of 10th August.* Empire Naval Co-operation. Prime Minister has nothing special to bring up on this subject beyond proposals in Admiralty and Committee of Imperial Defence Memoranda recently received.—JELlicoe.

62806

No. 7.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 8, 9, 10 and 11.]

(Canada.)	} Secret.)
(Commonwealth of Australia.)	
(New Zealand.)	
(Union of South Africa.)	
(Newfoundland.)	

[MY LORD,] [SIR,]

Downing Street, 28th March, 1924.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the consideration of your Ministers ten [To Newfoundland: five] copies of a Memorandum (C.I.D., paper No. 221 c) regarding Empire Naval Policy and Co-operation.

2. The proposals made in this Memorandum were prepared with a view to discussion at the recent Imperial Conference, but they were not brought forward owing to the limited time available.

* No. 4.

3. His Majesty's Government would be glad to learn whether your Ministers concur generally in the proposals contained in the Memorandum; if so, they will gladly co-operate in giving effect to the scheme in detail.

4. A similar despatch is being sent to the Governors-General of [To Canada only: the Commonwealth of Australia, New Zealand and the Union of South Africa, and to the Governor of Newfoundland.] [To Commonwealth only: Canada, New Zealand and the Union of South Africa, and to the Governor of Newfoundland.] [To New Zealand only: Canada, the Commonwealth of Australia and the Union of South Africa, and to the Governor of Newfoundland.] [To the Union only: Canada, the Commonwealth of Australia and New Zealand, and to the Governor of Newfoundland.] [To Newfoundland only: Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa.]

I have, &c.,
J. H. THOMAS.

Enclosure in No. 7.

(Secret. 221-C.)

COMMITTEE OF IMPERIAL DEFENCE.

EMPIRE NAVAL POLICY AND CO-OPERATION.

Memorandum by the Naval Staff.

THE question whether the present arrangements are adequate for keeping the various Dominion Governments fully advised as to the Naval needs of the Empire with a view to obtaining continuity of Naval policy has already been brought to the notice of the Dominion representatives in the various Committee of Imperial Defence Papers forwarded to them on the subject of Empire Naval Defence.

2. Any arrangements which are come to should be such as to require only a minimum of adjustment to enable a supreme Naval authority to function in time of war, and it is also fully recognized that the Dominions, unless they have decided otherwise, will continue to retain in their own hands not only the development and disposition of their own forces in peace, but also the right of decision whether or not these forces are to be placed at the disposal of the Admiralty in time of war.

3. Arrangements for co-operation between the Naval Services and Forces of the Dominions of Canada and Australia and the British Navy were agreed to at the 1911 Imperial Conference, and arrangements have, as the services of other Dominions developed, been made with those Dominions.

4. The arrangements were severely tested during the war and they proved a fairly satisfactory basis for co-operation, but, in view of the recent reductions of the British Fleet and the possible further extension of Dominion Fleets, it is considered that they now require some elaboration and amendment; the question of Staff co-operation in particular seems to require further consideration.

5. On paper, the Empire Navy of one-power Standard, as contemplated by the Imperial Conferences of 1921 and 1923, and made up of the various Dominion Navies, together with that of Great Britain, might well appear equal to that of another Power, but there is a grave danger that its collective efficiency might fall short of that required to safeguard the Empire unless suitable arrangements exist for all parts to be trained and prepared so that they can act as one in war. The problem which has to be faced by each Government is how best to organize, train and prepare its Navy in peace so that in war all the various portions of the combined Empire Navy may be able to act together for the defence of the Empire with an efficiency and striking power at least equal to that of any foreign fleet.

6. In all matters affecting naval fighting efficiency a Government is advised by its Naval Board or Admiralty which, in giving advice, is in turn assisted by its Naval Staff. The Naval Staff at the Admiralty is an organization apart from the Administrative and Technical Departments, and is solely charged with questions of Naval policy, war plans and training for war. The British Naval Staff is at present composed of seven divisions, attached to which are a total of some fifty-six Naval and Marine Officers. The divisions, and a summary of their functions, are shown in the attached table:—

Intelligence Division	...	...	Collection and distribution of intelligence. (World wide.)
Plans Division	...	...	Preparation of plans and policy.
Operations Division	...	...	Movements of ships, &c.
Trade Division	...	...	Plans for protection of shipping.
T. and S. D. Division	...	...	Principle of training generally.
			Principles of staff organization and co-ordination between the divisions of the staff.
Gunnery Division	...	...	Use of weapons.
Torpedo Division	...	...

In addition, there are two small sections, an Air Section and a Tactical Section, to advise on these particular subjects.

7. It is felt that the setting up of a Naval Staff comparable with the above by each Dominion in the early stages of its naval development would be hardly practicable, as overhead expenses would be out of all proportion to the size of the Navy maintained. At the same time it seems clear that a Dominion Navy will require its own Naval Staff, and it is most important that the separate staffs should not work in watertight compartments.

8. These difficulties can perhaps best be overcome by the appointment of Dominion Naval Officers to the Admiralty Naval Staff and British Naval Officers to the Dominion Naval Staffs, and by arranging for a free interchange of advice being maintained between the Naval Advisers at the Admiralty on the one hand and the Naval Advisers of the Dominions on the other. The organization would be analogous to the Imperial General Staff, agreed to in principle at the 1907 Imperial Conference, when it was pointed out that this function of advice was performed by the General Staff "without in the least interfering in questions connected with command and administration."

9. It will be recognized, however, that, in order that suitable officers may be available to fill the appointments on the several Naval Staffs, Staff training will be essential, and it seems desirable that this Staff training should be uniform. The setting up of separate Naval Staff Colleges by the Dominions would be expensive, but, as a Staff College has already been established in Great Britain, it is suggested that, as each Dominion Navy develops, selected Dominion Officers should be trained at this College with a view to their subsequent employment on the British and Dominion Naval Staffs. The actual strength of the several Naval Staffs would be a matter to be settled by the Governments concerned.

10. To sum up, it is proposed that the following general principles should now be adopted:—

- (a.) In order to obtain continuity of Naval policy and to ensure that the best advice on questions concerning the Naval defence of the Empire is always available for the British and Dominion Governments, the several Naval Staffs should be built up by uniform Staff training and a free interchange of officers between the British and Dominion Naval Staffs.
- (b.) A free interchange of advice should be established between the British and Dominion Naval Staffs.

11. It is suggested that this development of the Staff aspect of Naval organization should be marked by adding the title of Chief of Naval Staff to those of the first Naval Members in Australia and New Zealand and of the Director of Naval Services in Canada, and that the Chief of the Naval Staff, Admiralty, should, on the analogy of the Chief of the Imperial General Staff, be described as the Chief of the Imperial Naval Staff.

Admiralty, February, 1924.

29955

No. 8.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 24th June, 1924.)

(Secret.)

SIR,

Governor-General's Office, Pretoria, 4th June, 1924.

I HAVE the honour to transmit to you herewith, with reference to your despatch, Secret, of the 28th March, 1924,* Ministers' Minute No. 410 on the subject of Empire Naval Policy and Co-operation.

I have, &c.,

ATHLONE,

Governor-General.

Enclosure in No. 8.

Prime Minister's Office, 3rd June, 1924.

MINUTE No. 410.

MINISTERS have the honour to acknowledge His Excellency the Governor-General's Minute No. 2/2069 dated 26th April, transmitting a Secret Memorandum by the Naval Staff regarding free interchange of officers between Britain and the Dominions Naval Staffs.

Ministers are of the opinion that at present the strength of the South African Naval Service does not justify any action being taken on the proposals of the Naval Staff, which, however, will be borne in mind for future consideration.

J. C. SMUTS.

33877

No. 9.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 17th July, 1924.)

(Secret.)

SIR,

Government House, St. John's, 26th June, 1924.

I HAVE the honour to acknowledge the receipt of your despatch, Secret, of the 28th March last,* on the subject of Empire Naval Policy and Co-operation, and to inform you that my Ministers concur generally in the terms of the memorandum; but as there is now no naval establishment in Newfoundland, Ministers are unable to offer active co-operation.

I have, &c.,

W. L. ALLARDYCE.

35306

No. 10.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 25th July, 1924.)

(Secret.)

SIR,

Government House, Wellington, 16th June, 1924.

I HAVE the honour to inform you that I duly referred to my Ministers, for their observations, your Secret despatch of the 28th March,* enclosing copies of C.I.D. Memorandum No. 221c, regarding Empire Naval Policy and Co-operation.

2. In reply, my Ministers advise me that—

- (a) The principles enunciated in the Memorandum meet with the entire concurrence of the New Zealand Government.

* No. 7.

- (b) As it is not envisaged that New Zealand will embark upon a separate list of officers, as is the case with the Australian Navy, officers trained in War Staff duties can always be obtained on loan from the Admiralty; and when an expansion of this Division takes place it is considered that the loan of an officer for this purpose will become necessary.
- (c) Clause (a) of paragraph 10 does not therefore arise in connexion with the New Zealand Division of the Royal Navy. Clause 10 (b) and paragraph 11 are entirely concurred in.

I have, &c.,
JELLICOE,
Governor-General.

51837

No. 11.

COMMONWEALTH OF AUSTRALIA.

THE DEPUTY GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4th November, 1924.)

(Secret.)

Governor-General's Office, Melbourne,

SIR,

22nd September, 1924.

WITH reference to your despatch dated 28th March, 1924, Secret,* covering copies of a Memorandum (C.I.D. paper No. 221c) regarding Empire Naval Policy and Co-operation, I have the honour, at the instance of the Prime Minister, to inform you that the Commonwealth Government approves of the adoption of the proposals contained in the Memorandum in their entirety.

The Prime Minister advises that the procedure suggested in the Memorandum has been in operation in the Royal Australian Navy for some years, to the extent possible, and that it is proposed to continue to develop the organization in the manner indicated as Royal Australian Naval Officers of suitable seniority and training become available.

The First Naval Member of the Commonwealth Naval Board is also Chief of the Naval Staff (*vide* Regulation 14, Statutory Rules 1921, No. 1), and the Naval Staff, Navy Office, Melbourne, is organized on the lines of the Admiralty Naval Staff as set out in the Memorandum in question. Owing to financial stringency, however, the Staff, which two or three years ago consisted of officers as directors of the various sections, has been very considerably reduced, and now consists of a nucleus only with the same organization which can be developed in time of emergency.

I have, &c.,
STRADBROKE,
Deputy of the Governor-General.

(ii) Singapore Naval Base.

13781

No. 12.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 17, 23 and 27.]

(Canada.	} Dominions No. 119. Secret.)
(Commonwealth of Australia.	
(Union of South Africa.	
(New Zealand.	
(Newfoundland.	

[MY LORD.] [SIR,]

Downing Street, 27th March, 1923.

WITH reference to my Secret despatch Dominions No. 431, of the 23rd of December,† transmitting a copy of a Secret memorandum (No. 176—C) on the subject.

* No. 7. † No. 2 in Dominions No. 82.

of Empire Naval Policy and Co-operation, I have the honour to request [Your Excellency,] [Your Royal Highness,] [you,] to inform your Ministers, with reference to paragraph 33 of that memorandum, that His Majesty's Government have decided to start work upon the establishment of a naval base at Singapore, on the understanding that no considerable expenditure will be incurred during the financial year 1923-24, and only a moderate expenditure during 1924-25. The provision made in the estimates for the financial year 1923-24, is £160,000, and the total estimate for the work is £11,000,000.

2. It will be remembered that at the Imperial Meetings held in 1921, the strategic situation in the Pacific was discussed, and the urgent need for establishing a base for the British Fleet at Singapore, for the protection of Australia, New Zealand, India and the Colonies in the Far East was pointed out.

3. The discussions which have led up to the development of Singapore, should still be regarded as secret, although the actual programme of development has now been made public. The enclosed copies of the House of Commons Debates, Vol. 161. Nos. 20-21, Columns 1096-7, 1104, 1138-9, 1144, 1205, 1232-3, 1236. Debates in the House of Commons* on the subject (the required references are noted in the margin) will be of interest as showing the extent of what has been said in this country.

4. I should explain that this action is being taken by His Majesty's Government without prejudice to any conclusions which the Dominion Governments may reach on the question of contributions towards the naval development of Singapore after consideration of the suggestions put forward in the memorandum referred to above.

I have, &c.,
DEVONSHIRE.

28416

No. 13.

EXTRACT FROM CANADIAN HOUSE OF COMMONS DEBATES.
VOL. LVIII. FRIDAY, MAY 4TH, 1923. No. 60. PAGE 2564.

SINGAPORE NAVAL BASE.

MR. WOODSWORTH: In view of the vote of 50,000,000 dollars by the House of Commons at Westminster for the naval base at Singapore, and the comments in the British Parliament and in the press that this signifies strained or possibly strained relations between Great Britain and Japan, I would ask whether the Government of my Right Hon. friend (Mr. Mackenzie King) has acquiesced in this policy, which is being pursued by the British Government at the present time?

MR. MACKENZIE KING: I think it is for the British Government to determine their own policy, and for us to express no opinions concerning it.

Attached 30382/S

No. 14.

H.R.H. PRINCE ARTHUR OF CONNAUGHT TO THE DUKE OF DEVONSHIRE.

(4th May, 1923.)

(Personal.)
(Extract.)

GENERAL Smuts is rather concerned about the announcement that the Admiralty proposes to proceed with the construction of the naval base at Singapore. The approval of the 1921 Imperial Conference ceased, he contends, to have any significance after the conclusion of the Washington Treaty profoundly altered Naval policy. He was always opposed to the Anglo-Japanese Alliance, but was anxious to terminate it without alienating Japan. At Washington this result was achieved by negotiating a Pacific Pact in its place with the concurrence of Japan. All this good work, he thinks, will be neutralized by our naval activities at Singapore which Japan is, in his opinion, certain to regard as a national menace. The obvious reply

* Not printed here.

is, of course, that the Singapore Harbour was recommended in the Jellicoe Report, and has been under consideration by the Admiralty ever since as the ideal central base for the Empire; but General Smuts argues that considerations of this kind will not influence the opinion of the Japanese people as a whole as they will interpret our motives solely by our deeds without regard for any logical explanation. General Smuts is all the more concerned because he realises the other Dominions are not likely to be in accord with his ideas.

23313

No. 15.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(Union of South Africa.
(New Zealand.
(Newfoundland.

Dominions No. 174. Secret.)

[MY LORD.] [SIR,]

Downing Street, 15th May, 1923.

WITH reference to my Secret despatch Dominions No. 119, of the 27th of March,* regarding the naval base at Singapore, I have the honour to request [Your Excellency,] [Your Royal Highness,] [you,] to invite the attention of your Ministers to the debate in Committee of Supply in the House of Commons on the 1st of May, on the Navy Estimates for 1923-24, which will be found at columns 1228-1281, of the enclosed copy of the House of Commons Parliamentary Debates (Vol. 163, No. 49).

I have, &c.,
DEVONSHIRE.

27972

No. 16.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4.37 a.m. 2nd June, 1923.)

TELEGRAM.

2ND JUNE. Secret. My despatch of 18th May, Secret,† Singapore Naval Base. Ministers' views have not been circulated to the other Dominions from here, and it is assumed His Majesty's Government will take action on second paragraph of their Minute.—ARTHUR FREDERICK.

28165/S

No. 17.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5th June, 1923.)

[Answered by No. 21.]

(Secret.)

MY LORD DUKE,

Governor-General's Office, Cape Town, 18th May, 1923.

I HAVE the honour to transmit to Your Grace herewith, with reference to your despatch Dominions No. 119, Secret, of the 27th March, 1923,‡ copy of a Minute from Ministers on the subject of the establishment of a naval base at Singapore.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

* No. 12. † No. 17. ‡ No. 12.

Enclosure in No. 17.

(Secret.)

MINUTE No. 360.

MINISTERS have the honour to acknowledge the receipt of His Royal Highness the Governor-General's Minute No. 2/1894 of the 20th April, transmitting a copy of the Secretary of State's despatch No. 119, of 27th March, on the subject of the expenditure of £11,000,000 upon the establishment of a naval base at Singapore, such expenditure to be extended over a period of years, and without prejudice to any decisions of the forthcoming Imperial Conference.

Ministers desire to take this opportunity of putting on record their views in this matter, and to request that their views may be communicated to the other Dominions for their information.

One of the most beneficent results of the Washington Conference was the signature of the Quadruple Pacific Treaty, which replaced the Anglo-Japanese Alliance without disturbing the friendly relations between Great Britain and Japan. The result of the agreement was to minimize for the duration of the pact any danger of war in the Pacific Ocean, and the fact that America joined in this pact at once altered the conditions under which a base at Singapore was considered at the Prime Ministers' Conference in 1921. A reconsideration of the whole Naval policy of the British Empire is therefore rendered necessary.

Attention is drawn to the Resolution adopted in respect of this matter under the heading, Imperial Defence (Naval) at the Conference held in London in 1921, when it was resolved that *any definite decision in regard to Naval Defence*, or the manner of co-operation, should be deferred until after the Conference at Washington.

Ministers regret that any statements should have been made on the subject of Singapore, in view of the imminence of the Prime Ministers' Conference, especially having in mind the fact that no expenditure on this project is provided during the year 1923-24, and only a very moderate expenditure thereafter during 1924-25.

A great fortified base at Singapore, may, in its effect on Japanese opinion, produce far-reaching re-actions for the foreign policy as well as for the naval policy of the Empire, and the whole subject in all its possible bearings should have received the careful attention of the Imperial Conference before a decision on any detail was announced.

The last review of the Naval position is contained in the Memorandum* of the Committee of Imperial Defence dated 28th July, 1922, and if there has been any further development in the views of the Admiralty, Ministers trust that His Majesty's Government will prepare and issue for their consideration a fresh appreciation of the world naval position so that in coming to the Conference in October, they may be advised in advance of the views that the Admiralty may submit.

J. C. SMUTS.

28165/S

No. 18.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Newfoundland. Secret (2).)

Secret.)

[MY LORD.] [SIR,]

Downing Street, 7th June, 1923.

WITH reference to my Secret despatch Dominions No. 174, of the 15th May,† on the subject of the proposed Singapore naval base, and previous correspondence, I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, the accompanying copy of a despatch‡ from the Governor-General of the Union of South Africa with the enclosed Minute from Ministers.

I have, &c.,
DEVONSHIRE.

* Enclosure in No. 2 in Dominions No. 82. † No. 15. ‡ No. 17.

29626

No. 19.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Secret. Dominions No. 213.)

[MY LORD,] [SIR,]

Downing Street, 13th June, 1923.

WITH reference to my Secret despatch of [the 7th of June*] [the 15th of May, Dominions No. 174†] and previous correspondence regarding the establishment of a naval base at Singapore, I have the honour to request [Your Excellency] [Your Royal Highness,] [you,] to inform your Ministers that the Colony of the Straits Settlements has decided to purchase and to present to His Majesty's Government as a free gift the lands required as sites for the naval base and aerodrome.

2. These lands comprise 2,250 acres of land with foreshore at North Sembawang for the naval base, and 595 acres of land with foreshore at East Seletar for the aerodrome; their estimated value is £200,000, but they are in private ownership and it is considered probable that the cost of acquisition will exceed that figure.

I have, &c.,

DEVONSHIRE.

29992

No. 20.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 234.)

[MY LORD,] [SIR,]

Downing Street, 30th June, 1923.

WITH reference to previous correspondence, I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of the House of Lords Official Report of the 5th of June containing an account of a debate on the establishment of a naval base at Singapore (columns 397-414).

I have, &c.,

DEVONSHIRE.

34719/S

No. 21.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 11th July, 1923.

WITH reference to Your Royal Highness's Secret despatch of the 18th of May,† on the subject of the establishment of a naval base at Singapore, I have the honour to transmit to you, to be laid before your Ministers, copies of a Memorandum (No. 197C) expressing the views of the Committee of Imperial Defence on the observations contained in Ministers' Minute No. 360 of the 18th of May, which formed the enclosure to your despatch under reference.

* No. 18. † No. 15. ‡ No. 17.

Copies of this despatch and its enclosure are being sent* to the Governors-General of Canada, the Commonwealth of Australia, and New Zealand, and to the Governor of Newfoundland.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 21.

(Secret. 197-C. Also E-60.)

COMMITTEE OF IMPERIAL DEFENCE.

ESTABLISHMENT OF NAVAL BASE AT SINGAPORE AND ITS EFFECT UPON THE FOREIGN AND
NAVAL POLICY OF THE EMPIRE.

(Approved by the Standing Defence Sub-Committee on June 19th, 1923,
S.S. 33rd Minutes.)

WITH reference to the Minute of the 18th May, 1923, signed on behalf of the South African Government by General Smuts and forwarded by the Governor-General,† protesting against the announcement of the decision in regard to Singapore pending the discussion of the whole subject by the Imperial Conference, the history of this question, including the facts as to what happened at the Imperial Conference in 1921 and at the Washington Conference, 1921-22, is as follows:—

2. Until the British Fleet was centralized in Home waters in consequence of the development of the German menace, a British Battle Fleet was maintained in the Pacific as well as in the Mediterranean, and the base at Hong Kong was maintained on the scale necessary for a first-class naval base under the conditions prevailing in those days. During the ten years preceding the War all modern battleships were withdrawn from the China Station in accord with the policy of concentration in Home waters which was forced upon the Admiralty by the development of the German menace. During the nineteen years which have elapsed since this withdrawal began, the increase in the size of battleships, the developments of ordnance and the introduction of oil fuel have rendered Hong Kong in its present state useless as a base for a modern Battle Fleet. The Navy was therefore in the position that, if political circumstances should ever render it desirable again to maintain a Battle Fleet in the Pacific, they would be unable to do so owing to the lack of any naval base.

3. In the Memorandum on Naval Policy (E. 4 of February, 1921), which was prepared by the Admiralty for the Imperial Conference, 1921, reasons were put down why it would be preferable to develop a new naval base at Singapore rather than to bring the base at Hong Kong up to date.

4. The original decision to create a naval base at Singapore was taken by the late Cabinet on the 16th June, 1921.

5. The reasons for this decision were communicated to the Imperial Conference, in the first instance, by Mr. Balfour on the 28th June, 1921 (E-8th Meeting). It is interesting to note that the occasion chosen by Mr. Balfour to make this statement was during the discussion on the Anglo-Japanese Alliance, and that he gave as one of the principal reasons in support of renewing the Anglo-Japanese Alliance the necessity of gaining the considerable time required for the creation of a base at Singapore:—

"In these circumstances, we have come to the conclusion that one of the most pressing needs for Imperial Defence is that Singapore should be made into a place where the British Fleet can concentrate for the defence of the Empire, of our interests in the East, our interests in India, our interests in Australia, our interests in New Zealand, our interests in the smaller Possessions there, and that for that purpose it is absolutely necessary to undertake works at Singapore. Those works cannot be finished in a day. They cannot be finished in a year. They must take some time to complete.

"MR. MASSEY: They are going on.

* No. 22. † No. 17 and enclosure.

"MR. BALFOUR: Not yet. This question has only been taken in hand quite recently. Therefore, until Singapore is rendered the place which we think it ought to be made—a place of concentration, a place of refitting and refuelling—until this is done, we are at a relative disadvantage undoubtedly in the Pacific, and that is a very strong strategical reason, putting all wider considerations apart, why we should remain on the most friendly terms with Japan, and why we should continue a policy we have hitherto pursued with such success, that is, of joint action with Japan in the Far East."

6. It should be noted that Mr. Balfour did not suggest that a renewal of the Alliance with Japan would render it unnecessary to proceed with the base at Singapore, although, in an earlier passage, he had recalled that in the past "the fact of the Japanese Alliance was held to relieve the Admiralty of the day of any serious responsibility in regard to the Pacific." On the contrary, he pointed out to the Conference that the substitution of oil for coal for fuel for battleships had rendered it absolutely necessary to create a base at Singapore as an indispensable condition of action by the Fleet in the Far East.

7. The question of Singapore was discussed in greater detail at the Imperial Conference at the meetings devoted to Naval Defence, the record of which, owing to its secrecy, was limited by the Conference itself to a single copy. In those discussions Lord Lee said (E-14th Meeting):—

"The Home Government have therefore come to the decision that Singapore must be developed as the main base for the British Fleet in the Pacific." Later on, in the same statement, Lord Lee made it quite clear that the proposals of the Admiralty were unaffected by the question of the renewal or otherwise of the Anglo-Japanese Alliance, except that, if the Alliance were dropped and Japan became hostile, "then undoubtedly there would be increased urgency for the development and establishment of our bases in the Pacific and our oil reserves."

8. After the preliminary discussion, further conversations took place at the Admiralty with the representatives of the Dominions, and the Admiralty, on the 11th July, circulated a summary of their recommendations (E-32). This included the following:—

"In the Admiralty opinion, Australia, New Zealand and India should be asked to contribute a considerable portion of the expenditure necessary to develop Singapore as a Fleet base, since they are intimately concerned therein."

9. On the 11th July the British Government accepted the invitation to the Washington Conference. It was already clear that a Pacific agreement would be one of our objects at the Conference, for a statement to this effect was included in the announcement made by the Prime Minister (Mr. Lloyd George) in the House of Commons on the 11th July as representing the opinion of all the members of the Conference on the question of the Pacific and also on the question of disarmament.

10. The subject of Naval Defence was again taken up by the full Conference on the 19th July (E-26th Meeting), when Lord Lee again emphasized the importance of Singapore. This statement, it should be noted, was made a week after the announcement referred to above that a Pacific agreement was part of our policy for the Washington Conference. The records of this meeting of the Conference contain no suggestion that the development of Singapore as a naval base should be postponed if a Pacific agreement was achieved.

11. It is quite true, as mentioned in General Smuts' Minute, that the following Resolution was passed by the Conference in regard to the naval defence of the Empire:—

"That, while recognizing the necessity of co-operation among the various portions of the Empire to provide such naval defence as may prove to be essential for security, and while holding that equality with the naval strength of any other Power is a minimum standard for that purpose, this Conference is of opinion that the method and expense of such co-operation are matters for the full determination of the several Parliaments concerned, and that any recommendations thereon should be deferred until after the coming Conference on Disarmament."

12. The policy set forth in this Resolution is that equality with the naval strength of any Power is a minimum standard for the British Empire. It was not the policy, but the method and expense of co-operation among the various portions

of the Empire which, by this Resolution, was deferred until after the Washington Conference. So long as the British Fleet is entirely unable to operate in the Pacific it cannot be considered that a one-Power standard is being maintained. In these circumstances, His Majesty's Government felt that the development of the naval base at Singapore was a matter which should not be further delayed, and they had no reason to believe that any Dominion held a contrary view.

13. The instructions of the British Government to Mr. Balfour and his colleagues for the Washington Conference are contained in a Memorandum drawn up as the result of an enquiry by the Standing Defence Sub-Committee under the chairmanship of Mr. Balfour. These instructions, which were fully discussed and approved by the Cabinet, include the following in the summary of Conclusions:—

"SINGAPORE.

"That no agreement should be reached at the Conference which will in any way interfere with the development of Singapore as a British Naval Base, since such development is purely defensive in character and is already overdue."

14. At the outset of the Conference, Mr. Balfour at an informal meeting gave the British Empire Delegation full particulars as to his instructions and the lines on which he proposed to proceed. It is practically certain that he must have mentioned the decision in regard to Singapore, though no record was kept of what he said. In any event, there is no possible room for doubt that all members of the British Empire Delegation knew what was our policy in regard to Singapore. For example, at a meeting of the British Empire Delegation on the 2nd December, 1921, when the proposal for a limitation in regard to fortifications and naval bases in the Pacific was under discussion, Senator Pearce, the Australian Representative, pointed out the desirability of Singapore being left out of any restricted arrangement as to the construction of fortifications and naval bases in the Pacific, and Mr. Balfour remarked that in none of the conversations he had so far had was the question of Singapore raised, and he preferred to leave it alone.

Again, the question of Singapore was constantly referred to in the telegrams which passed between Mr. Balfour and the Home Government, copies of all of which were circulated to all members of the British Empire Delegation. Thus, a telegram dated the 18th December, from Lord Curzon, included the following:—

"With regard to fortifications in the Pacific, you say Singapore is not mentioned. We presume by this that we are free to develop Singapore as a first-class naval base if we think it necessary to do so. This we regard as indispensable, and we hope you will make sure there is no misunderstanding with the Americans and still more the Japanese on this point. As you are aware from discussions over which you have presided in the Committee of Imperial Defence, the defence of Australia and New Zealand might in certain circumstances depend entirely on Singapore."

On the 13th January, Mr. Churchill, who was acting as Chairman of the Standing Defence Sub-Committee in Mr. Balfour's absence, sent the following telegram:—

"With reference to your telegram No. 166 of the 15th December and the provision in the Three-Power Agreement on the Naval Ratio that the *status quo* shall be maintained with respect to fortifications and naval bases in the Pacific region, including Hong Kong, it is presumed that our freedom of action in regard to Singapore has been preserved."

15. So far as can be traced, Singapore was only once alluded to in the course of the conversations at Washington. A telegram, dated the 24th January, from Mr. Balfour, includes the following:—

"I introduced certain amendments to place beyond doubt the exclusion of Singapore (in which Baron Kato acquiesced) as well as territories of Australia, according to a formula designed by Senator Pearce; also to limit the *status quo* in fortifications and coast defences. I have since discussed draft with Mr. Hughes, who tells me that American Delegation have accepted all my amendments. During this conversation, Mr. Hughes volunteered the observation that of course Singapore was excluded as it was neither island nor in Pacific."

16. In the result it was definitely settled at the Washington Conference that no development should be made east of the meridian of 110° east longitude. That

decision barred the further development of Hong Kong, but permitted Great Britain to develop Singapore. As shown above, it was not by an oversight that the line was so drawn. The territory specified in Article 19 was a matter of prolonged consideration at Washington, and the other parties to the Treaty fully appreciated that Article 19 as finally drafted left Great Britain to develop Singapore as a naval base.

17. South Africa did not send a representative to Washington, and the Treaty was signed on behalf of that Dominion by Mr. Balfour, so that these facts are possibly not familiar to General Smuts and the South African Government.

18. Finally, it should be mentioned that, in consequence of the agreements arrived at between the United States, Japan and this country at Washington, the naval situation resulting from the agreements was examined afresh by the Admiralty, and they produced a Memorandum (C.I.D. No. 176-C) showing how the naval policy of the British Empire had been affected by these treaties. In this Memorandum special consideration was given to the question of the development of Singapore, in view of the facts that any further development of Hong Kong would not be in accord with the terms of the Washington Treaty; that no British port in the Western Pacific is capable of serving as a base for a modern fleet, and that the United States are debarred from developing any naval base in the Western Pacific. The Admiralty therefore concluded that "for rapid concentration of the Fleet in the East it is essential that a secure base at Singapore can be counted on. The development of Singapore must take many years, even if substantial assistance is provided by the Dominions. The matter is therefore one of great urgency."

This Memorandum was considered and approved by His Majesty's Government, and copies were forwarded to the Dominions with a request for their remarks on the questions raised. The date of the despatch was the 23rd December.

19. The fifth paragraph of the Union Ministers' Minute contains the statement that "no expenditure on this project is provided during the year 1923/24 and only a very moderate expenditure thereafter during 1924/25." The despatch of the Secretary of State for the Colonies addressed to the Dominions on the 27th March, 1923, however, stated that "no considerable expenditure will be incurred during the financial year 1923/24 and only a moderate expenditure during 1924/25." The despatch then went on to say that "the provision made in the Estimates for the financial year 1923/24 is £160,000." To have held the question over for the formal approval of the Imperial Conference would have entailed the omission of this item from the Naval Estimates, and the postponement for a year of the commencement of a work which, as long ago as June 1921 had been described by Mr. Balfour as "one of the most pressing needs for Imperial defence" (paragraph 5 above), and which, as stated in paragraph 33 of C.I.D. Paper No. 176-C, is regarded by the Naval Staff as "of great urgency."

20. From the above it is clear that the British Government, at any rate, never conceived it to be the intention of the Imperial Conference, and the Governments represented there, either before, during or after the Washington Conference, that their policy of creating a naval base at Singapore was in any way affected by any of the acts of that Conference. On the contrary, they made it clear at the Imperial Conference that even if the Anglo-Japanese Alliance continued, it would be necessary to carry out their naval programme, which included a base at Singapore; that they instructed their Delegates to the Washington Conference not to agree to anything which would interfere with the development of Singapore as a British naval base, and several times during the Conference reiterated this instruction; that their Delegates faithfully followed these instructions; that this attitude was communicated to and received the full support of the British Empire Delegation, on which all the Dominions except South Africa, as well as India, were represented by specially appointed Delegates.

2, Whitehall Gardens, S.W.1.
30th June, 1923.

34719/S

No. 22.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Newfoundland. } Secret.)

[MY LORD,] [SIR,]

Downing Street, [11th] [12th] July, 1923.

WITH reference to my Secret [despatch] [To Newfoundland: despatch (2)] of the 7th of June,* I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of a Secret despatch (with enclosure),† which has been addressed to the Governor-General of the Union of South Africa, in reply to his Secret despatch of the 18th of May,‡ on the subject of the establishment of a naval base at Singapore.

I have, &c.,
DEVONSHIRE.

35451

No. 23.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.35 a.m., 16th July, 1923.)

TELEGRAM.

16TH JULY. Secret. With reference to your despatch of 27th March Dominions No. 119 Secret§ and to my telegram of 4th July|| quoting reference to naval policy in New Zealand Budget, my Prime Minister informs me in a confidential memorandum that in addition to provision on this year's Estimates for payment of a sum not exceeding £100,000 as a contribution from New Zealand Government towards the proposed development of naval base, Singapore, it is proposed to make provision for a similar contribution on next year's Estimates. Any subsequent contribution from this Dominion towards the Empire Naval Defence will be included in expenditure on New Zealand Division of the Royal Navy.—JELlicoe.

35982

No. 24.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland. } Dominions No. 279.)

[MY LORD,] [SIR,]

Downing Street, 30th July, 1923.

WITH reference to my despatch Dominions No. 234 of the 30th of June,¶ I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of the House of Lords Official Report of the 11th of July, and a copy of the House of Commons Official Report of the 19th July containing further discussions on the subject of the Singapore naval base.

I have, &c.,
DEVONSHIRE.

* No. 18. † No. 21. ‡ No. 17. § No. 12. || No. 137. ¶ No. 20.

37410

No. 25.

HOUSE OF COMMONS

(30th July, 1923.)

SINGAPORE BASE.

MR. LAMBERT asked the Prime Minister if he is aware that Count Uchida, the Foreign Minister for Japan, has expressed the opinion in a public interview that the establishment of a new naval base at Singapore conflicted in many ways with the spirit of the Washington Agreement, and for which there was nothing in Anglo-Japanese relations to require such an extensive undertaking; and whether he will enter into a frank discussion with the Japanese Government before finally committing the country to this large expenditure?

THE PRIME MINISTER: Count Uchida was incorrectly reported. It is now officially denied that he stated that the Singapore base conflicted with the spirit of the Washington Treaties. His Majesty's Government do not consider that any useful purpose would be served by raising a discussion with the Japanese Government on this subject. During the Washington Conference they made it clear that they reserved their liberty of action at Singapore, and this was fully understood by the other Governments concerned.

MR. LAMBERT: Considering that trade is so bad, and this base will cost so much money, is it not possible to postpone it for a time?

CAPTAIN BERKELEY: Is it a fact that the Japanese Minister stated that, owing to the proximity of the proposed dock to Formosa, it will be necessary for Japan to take special defensive measures?

THE PRIME MINISTER: I have not seen that.

CAPTAIN BENN: Can the right hon. Gentleman say exactly what he meant when he said, "They made it clear that they reserved their liberty of action at Singapore?" Was there any document or statement made which could be published?

THE PRIME MINISTER: No; not that I know of.

MR. MOSLEY: Is the right hon. Gentleman aware that it was stated in the recent debate that the matter was not discussed at Washington and that they were not informed?

37492

No. 26.

EXTRACTS FROM CANADIAN HOUSE OF COMMONS DEBATES.
(Vol. LVIII. No. 85.)

NAVAL BASE AT SINGAPORE.

MR. MACLEAN (York):

1. With reference to the proposal of the British Government to expend £10,000,000 upon the creation of a naval base at Singapore, is it a fact, as stated in the British House of Commons on 1st of May last by Mr. Eyres-Monsell, Financial Secretary of the Admiralty, that—"This work was approved by the Dominion Conference in 1921 and it was most strongly represented by the Dominions"?

2. Is it a fact that Mr. Eyres-Monsell, at the same time and place, said, with reference to the expenditure, that—"he had great hopes that the Dominions, which had a very direct interest in the work, would see their way to co-operate with us in this direction"?

3. Is it probable that the hopes of Mr. Eyres-Monsell will be fulfilled?

4. Is it a fact that Colonel Amery, First Lord of the Admiralty, at the same time and place said—"He had no doubt that the Conference to be held in the autumn would endorse the conclusions arrived at by the Conference of 1921"?

5. Is it probable that the prediction of the First Lord will be fulfilled?

RIGHT HON. W. L. MACKENZIE KING (Prime Minister): The Government has no information with respect to the several questions asked.

RIGHT HON. ARTHUR MEIGHEN (Leader of the Opposition): I desire to call the attention of the House and the Government to the answer of the Prime Minister just given to question Number 4, asked by the hon. member for South York. He said that the Government had no information. As regards the first question, which is the pith of the questions, the Government has not only information, but all the information. The question is: With reference to the proposal of the British Government to expend £10,000,000 upon the creation of a naval base at Singapore, is it a fact, as stated in the British House of Commons on 1st of May last by Mr. Eyres-Monsell, Financial Secretary of the Admiralty, that—"This work was approved by the Dominion Conference in 1921 and it was most strongly represented by the Dominions?" The Government has the full report of that conference in its possession, and can certainly give an answer to this question.

RIGHT HON. W. L. MACKENZIE KING (Prime Minister): The Government has not any information as to what happened in Parliament in England.

MR. MEIGHEN: That is not the question.

MR. MACKENZIE KING: The House has the report and it is open to any hon. member to examine the report. The Government has received no information as to whether any such statement was ever made in Parliament.

MR. MEIGHEN: The question is: "Is it a fact that this was approved at the conference?" The Government has the information as to whether or not that is a fact, and the question whether it is contained in the report does not matter. The Government is asked a question in the House and should answer it, because it has the full information.

MR. MACKENZIE KING: The report of the conference has been laid on the Table of the House, and it is open to any member to examine it. I will be pleased to lay it on the Table again, if desired.

MR. MEIGHEN: The blue books are laid on the Table, but that does not absolve the Government from giving an answer to a question regarding them, much less does it excuse the Government for giving the wrong answer.

MR. MACLEAN (York): I would like the House to have an opportunity before the session closes of discussing in committee what took place at that conference.

42358

No. 27.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th August, 1923.)

(Secret.)

MY LORD DUKE,

Government House, Wellington, 16th July, 1923.

WITH reference to Your Grace's Secret despatch of the 27th March, Dominions No. 119,* and in confirmation of my telegram of to-day's date,† I have the honour to inform you that in a memorandum, dated the 12th July, the Prime Minister informs me "that provision is being made on this year's Estimates for the payment of a sum not exceeding £100,000 as a contribution from the New Zealand Government towards the Admiralty's proposed development of the naval base at Singapore, and it is proposed to make a similar contribution on next year's Estimates, but any further contribution from the Dominion towards Empire Naval Defence will be included in the expenditure on the New Zealand Division of the Royal Navy."

I have, &c.,

JELLICOE,
Governor-General.

50282

No. 28.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Commonwealth of Australia. Secret.)

(New Zealand. Secret.)

MY LORD,

Downing Street, 15th October, 1923.

WITH reference to my despatch Dominions No. 279 of the 30th of July,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of a Chart No. 2403 showing the location of the proposed naval base at

* No. 12. † No. 23. ‡ No. 24.

Singapore and a plan (C.E. in C.48803) showing the layout of the base as at present contemplated.

I have, &c.,
DEVONSHIRE.

55622

No. 29.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 19th November, 1923.)

[Answered by No. 30.]

(No. 320.)

Governor-General's Office, Melbourne.

MY LORD DUKE,

27th September, 1923.

I HAVE the honour, at the instance of my Acting Prime Minister, to forward herewith, for transmission to the Admiralty authorities, a letter from the Director of Forests, Queensland, offering to supply sawn timber for use in the construction of the naval base at Singapore.

I have, &c.,
FORSTER,
Governor-General.

Enclosure in No. 29.

Queensland Forest Service, Forests Office, Brisbane.

7th September, 1923.

DEAR SIR,

REFERRING to the proposed naval base at Singapore, I shall be glad to hear if you are in the market for a quantity of sawn timber for construction purposes.

I can supply Queensland cypress pine undressed f.o.b. Brisbane in building sizes at 37s. 6d.

If you are interested, I shall be glad to hear from you.

Yours, &c.,
E. H. F. SWAIN,
Director of Forests, A.J.C.S.

The Director,

Naval Department,

Victoria Barracks,
Melbourne.

1579

No. 30.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 34.)

MY LORD,

Downing Street, 21st January, 1924.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 320 of the 27th of September last,* and to request you to inform your Ministers that the letter from the Director of the Queensland Forest Service offering to supply sawn timber for use in the construction of the proposed naval base at Singapore has been forwarded to the Lords Commissioners of the Admiralty.

Their Lordships state that inquiries on this subject have already been received from the Agents-General for Queensland and Western Australia, who have been informed that details of requirements are not sufficiently far advanced to permit of a full reply to their inquiries, but that the possibility of obtaining a supply of timber from Queensland and Western Australia will not be overlooked.

* No. 29.

Their Lordships add that it is likely to be more than eighteen months before full particulars as to the requirements of timber for the purpose named can be prepared.

I have, &c.,
DEVONSHIRE.

7434

No. 31.

HOUSE OF COMMONS.

(13th February, 1924.)

NAVAL BASE, SINGAPORE.

CAPTAIN BERKELEY asked the Parliamentary Secretary to the Admiralty whether it is proposed to proceed with the Singapore dock?

LIEUT.-COMMANDER KENWORTHY asked the Parliamentary Secretary to the Admiralty whether he will consider the desirability of incurring no fresh expenditure on the projected dry docks for battleships at Singapore until the matter has been again before Parliament?

THE PARLIAMENTARY SECRETARY TO THE ADMIRALTY (Mr. Ammon): As is generally known, those responsible for the present Government have always taken the view that no adequate reason has been shown for the very large expenditure proposed by the late Government at Singapore. The Government, however, think it only right that they should hear and examine the case for the scheme before announcing their decision, and this they are proceeding to do. In the meantime, commitments such as are referred to by the hon. and gallant Member for Central Hull will certainly not be entered into.

LIEUT.-COMMANDER KENWORTHY: When the Under-Secretary is considering this very important question, will he take into consideration the alteration in the whole position caused by the terrible disaster in Japan; and is he aware that this has really put Japan out of the running for another ten years?

MR. AMMON: That matter is also receiving attention.

CAPTAIN VISCOUNT CURZON: Is the hon. Gentleman aware that the Japanese earthquake has made no material difference to the strength of the Japanese Navy, and can he assure us that before His Majesty's Government arrive at a decision they will consult the Dominions?

MR. AMMON: I can assure the Noble Lord that all the effects of the Japanese earthquake are being considered.

COMMANDER BELLAIRS: May we have an assurance that expenditure already ordered and sanctioned by this House is not being retarded by the Government?

MR. AMMON: I can give the hon. and gallant Gentleman an assurance that instructions have been issued to the officers on the spot not to incur further commitments.

MR. MARLEY: Will the hon. Gentleman inform the House what money has been expended on this scheme so far?

MR. AMMON: Up to the 20th January last about £13,000 has been spent, and, in addition, I think we are actually committed by signed contracts to an expenditure of £34,000. Liabilities have been incurred on work already in progress, such as railways, road connexions, water supplies, etc., but until further reports are received I cannot state how much expenditure has been or will be incurred.

MR. ORMSBY-GORE: Do I understand that the Government communicated to the Governments of Australia and New Zealand their intention to review this matter?

MR. AMMON: My answer was that the Dominions will be consulted.

7561

No. 32.

HOUSE OF COMMONS.

(18th February, 1924.)

SIR HARRY BRITTAIN asked the Secretary of State for the Colonies whether the Dominions have yet been consulted with regard to the proposed abandonment of the Singapore dock; and, if so, what replies, if any, have been received from Australia and New Zealand.

MR. THOMAS: I have nothing at present to add to the statements made by the Parliamentary Secretary to the Admiralty in this House on the 13th instant except to emphasize the fact that the Dominions will be consulted as soon as the Government have completed their examination of the matter.

8501

No. 33.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 5.55 p.m., 20th February, 1924.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

20TH FEBRUARY. His Majesty's Government have decided for the time being to incur no further expenditure on Singapore naval base. Committee of Cabinet has been formed to examine whole question and will report as soon as possible, whereupon further communication will be sent to you. Please inform your Ministers.—THOMAS.

8501

No. 34.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.39 p.m., 22nd February, 1924.)

TELEGRAM.

FOLLOWING telegram has been addressed to Governors-General of Canada, Commonwealth of Australia, New Zealand and Union of South Africa, and to the Governor of Newfoundland:—

Begin: His Majesty's Government have decided for the time being to incur no further expenditure on Singapore naval base. Committee of the Cabinet has been formed to examine whole question and will report as soon as possible, whereupon a further communication will be sent to you. Please inform your Ministers. *Ends.*

—THOMAS.

8501

No. 35.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Irish Free State.)
(Newfoundland.)

Dominions No. 83.)

[MY LORD,] [SIR,] Downing Street, 28th February, 1924.
WITH reference to my telegram of the [20th of February,*] [22nd of February,†] I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of Questions and Answers in the House of Commons on the 13th and 18th of February‡ relating to the Singapore naval base.

I have, &c.,

J. H. THOMAS.

Secretariat Note.—Correspondence with the Dominions during March, 1924, together with the Prime Minister's statement in the House of Commons on the 18th March, 1924, was printed for Parliament (Cmd. 2083) and is not reprinted here. The following despatches were sent to the Dominions on the subject:—

(i) Despatch Dominions No. 146 of the 27th March, 1924, forwarding copies of Cmd. 2083. (14475/24.)

(ii) Despatch Dominions No. 162 of the 5th April, forwarding copies of debates in the House of Lords and House of Commons on the subject of the Singapore Base (House of Lords Official Reports of 13th and 18th March, and House of Commons Official Reports of 18th and 25th March). (14475/24.)

(iii) Despatch Dominions No. 380 of the 13th August, forwarding copies of a debate in the House of Lords (Official Report of 14th July). (29441/24.)

(iv) Despatch Dominions No. 409 of the 27th August, forwarding copies of a debate in the House of Commons (Official Report of 31st July, columns 2295-2396). (37229/24.)

55942

No. 36.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.20 p.m., 4th December, 1924.)

TELEGRAM.

[Answered by No. 38.]

SECRET and Personal. I should be obliged if following personal message may be handed to your Prime Minister:—

Secret and Personal. You will be pleased to learn that we have decided in principle to proceed with the scheme for the development of the Singapore base. An announcement of our decision will be made in Parliament shortly. We are considering its terms and will let you know when they are settled. In the meantime we should be glad to know whether we can say that you are still ready to propose a substantial contribution from Australian funds. We realize that any statement of your intentions as to the contribution contemplated may have to be made first to your own Parliament and that you may not be able, especially in view of the Defence Programme sanctioned this year, to make any such statement until your estimates for next year are ready, but it would be of great assistance to us in disarming

* No. 33. † No. 34. ‡ Nos. 31 and 32.

opposition here if you could give us the earliest possible intimation of the amount which you think you may be able to set apart next year or in the next few years, and of your views as to the terms in which we might allude to your intentions in our announcement.

—AMERY.

55942

No. 37.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.20 p.m., 4th December, 1924.)

TELEGRAM.

[Answered by No. 40.]

SECRET and Personal. I should be obliged if following personal message may be handed to your Prime Minister:—

Secret and Personal. You will be pleased to learn that we have decided in principle to proceed with the scheme for the development of the Singapore base. An announcement of our decision will be made in Parliament shortly. We are considering its terms and will let you know when they are settled.

It would be of great assistance to us in preparing our announcement if we could say something as to the contributions which other Governments of Empire most interested would be prepared to make towards the cost. We do not wish to suggest any contribution from New Zealand which would affect contemplated arrangements in regard to a second cruiser, and we do not know how far it would be possible in view of those arrangements for you to recommend to Parliament a grant towards the cost of Singapore base. But you will appreciate that such a grant if possible would be welcome and would be helpful in disarming opposition here, and if it is possible we should be grateful for the earliest possible intimation of your intentions and of your wishes as to the terms in which we might allude to those intentions in our announcement. We realize that if you are ready to propose a contribution, a statement of the precise amount may have to be deferred until it can be made to your own Parliament.

—AMERY.

57953

No. 38.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.20 p.m., 8th December, 1924.)

TELEGRAM.

[Answered by No. 43.]

8TH DECEMBER. Following from my Prime Minister:—

Your telegram of 5th December,* my Government note with pleasure that the British Government has decided in principle to proceed with the scheme for the development of the Singapore base. I have already expressed both in cables and at the last Imperial Conference the views of my Government with regard to urgent necessity for the base from the standpoint not only of Great Britain and Australia but of the whole Empire, and we welcome decision which your Government has made. Since my telegram of 11th March† to your predecessor, however, in which I stated that Commonwealth Government recognized its obligation to contribute to cost of base, and would submit proposals as to such contribution to its Parliament at an early date,

* No. 36. † No. 10 in Cmd. 2083.

the position from the standpoint of Australian finances has undergone some very important changes. Consideration of our defence expenditure in 1923 had been postponed pending results of the Imperial Conference and decision of British Government with regard to Singapore. I pointed out to Parliament on the eve of my departure for Britain, that what was decided in regard to Singapore would naturally govern the extent to which we would make provision for our own defence. Despite our urgent representations and our definite offer to contribute to the cost of the base, contained in cable above referred to, late British Government decided to abandon the proposal, and my Government was, therefore, forced to a consideration of its own defence estimates. These estimates were based upon the serious position in which Australia found herself as a result of the abandonment of the Singapore base, and were the maximum amounts having regard to the financial circumstances of the Commonwealth which Government felt could be provided. A programme was laid down for the construction of two modern 10,000-ton cruisers, and in addition to the annual provision for defence, a special appropriation of £2,500,000 was made, and a further amount of £1,000,000 was provided out of a surplus for the year 1923-1924. A general defence programme covering a period of five years was submitted to Parliament involving an increased expenditure over expenditure for year 1923-1924 of £1,000,000 in each of the five years contemplated by the programme. These heavy commitments have considerably altered the position which existed when, in my telegram of 11th March† to your predecessor, the Government indicated that Australia would make a substantial contribution to the Singapore base. My Government is wholeheartedly in favour of the base and will co-operate as far as possible to ensure its speedy construction. The question of contribution by Australia in view of the altered circumstances will have to be very carefully considered, and any proposals will, of course, require the endorsement of our Parliament. It will be appreciated from the foregoing that the position is not without its difficulties, and the extent of our co-operation will naturally be affected by the action of the other Dominions. Australia is already well in advance of other Dominions in regard to naval defence, and having so lately embarked on considerable expenditure, to which I have referred, it is not unreasonable for us to ask that the other Dominions should indicate their willingness to contribute on a reasonable basis towards Empire Defence. My Government will be glad therefore if these facts can be conveyed to other Dominion Governments, and an early intimation of the action they are prepared to take communicated to us. I would reiterate the view already expressed by me that any contribution which Australia may decide to make towards the construction of the Singapore base should be in the form of material and not a cash payment.

Ends.

—FORSTER.

57954

No. 39.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.5 p.m., 8th December, 1924.)

TELEGRAM.

[Answered by No. 43.]

8TH DECEMBER. Following from my Prime Minister:—

Secret and Personal. My official telegram of this day,* In view of circumstances outlined therein it is impossible to make any definite suggestion with regard to a contribution at this stage. For the purposes of your own announcement, however, I think your hand would be strengthened by a statement of the expenditure which Australia has already undertaken, and an intimation that despite these heavy commitments the Commonwealth has decided to submit to its Parliament at an early date proposals with regard

* No. 38. † No. 10 in Cmd. 2083.

to further direct contributions to Singapore which will probably take the form of material. As already intimated to you personally, I am in favour of one contribution rather than yearly payments, which would be the subject of continual debate. Whatever, we do, however, will be very largely governed by the extent to which other Dominions co-operate. *Ends.*

—FORSTER.

57697

No. 40.

NEW ZEALAND.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.10 p.m., 8th December, 1924.)

TELEGRAM.

[Answered by No. 42.]

SECRET. 8th December. Your telegram 4th December.* My Prime Minister asks me to convey the following reply:—

Begins: I have received with great pleasure the intimation contained in your telegram that His Majesty's Government intend to proceed with scheme for the development of the Singapore base. I scarcely need to reiterate that New Zealand fully realizes the importance of naval defence, and is anxious to do its full share in this connexion, but the Dominion at present is in a somewhat difficult position in regard to this matter when coupled with the proposal that we should take over maintenance of a second cruiser. Parliament agreed to the latter during its Session which has recently concluded. Of course, Parliament must decide whether a separate contribution towards Singapore can also be made. Personally, if we must choose as between one and the other I think it would be better to go on with the second cruiser, but I am satisfied that New Zealand realizes the importance of both proposals, and in addition to the estimated annual cost of a second cruiser, which will not be less than £250,000, I am quite willing, when opportunity offers, to consult Parliament with regard to a straight-out grant for Singapore.—

STOUT.

57701

No. 41.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.5 p.m., 9th December, 1924.)

TELEGRAM.

(Commonwealth of Australia.)
(New Zealand.)

SECRET and Personal. Following for your Prime Minister:—

Begins: After my telegram of 4th December† had been prepared it was decided that following short reference to enlargement of Singapore base would be desirable in King's speech:—

Begins: My Government propose in accordance with the Resolution of the last Imperial Conference to proceed with plans already made for enlarging the naval base at Singapore. *Ends.*

This, of course, will not prevent more detailed announcement in course of debate on address if that proves practicable and desirable.

—AMERY.

* No. 37. † Nos. 36 and 37.

60119

No. 42.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.30 p.m., 23rd December, 1924.)

TELEGRAM.

SECRET and Personal. Following for your Prime Minister:—

Begins: Secret and Personal. We are very grateful for your message 8th December.* We agree that you should go on with the second cruiser. We quite understand that the cost of maintaining this vessel makes it necessary for you to consider financial position with great care before you could undertake to approach Parliament for a grant towards Singapore. We are very glad, however, that you will consider the question of making such a grant, and we hope that your finances will permit of a favourable decision, the more especially as I understand that Bruce, who has naturally to take into consideration the very heavy commitments entailed by his new defence programme, feels that assistance which he can ask his Parliament to give must depend on support forthcoming from other Governments. In the meantime may I give Bruce substance of your telegram 8th December.* Straits Settlements will hand over land already acquired at cost of 1,250,000 dollars. Hong Kong has made an offer to contribute £250,000. *Ends.*

—AMERY.

60119

No. 43.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.35 p.m., 23rd December, 1924.)

TELEGRAM.

SECRET and Personal. Following for your Prime Minister:—

Begins: Secret and Personal. We are very glad indeed to learn from your two telegrams of 8th December,† that heavy commitments entailed by new defence programme will not exclude submission to Commonwealth Parliament of proposal for direct assistance in enlargement of Singapore base. We are not clear whether your suggestion is that we should inform all the other Dominions how you are placed, but if that is the case we think that you ought to know that we doubt desirability of such a step. As you will have seen from King's speech we have linked our decision with Resolution of Imperial Conference, 1923, and when we came to consider possibility of contributions from other Governments of Empire, we had to bear in mind not only the terms of that Resolution, which brings out the special position of Australia and New Zealand in the matter, but also the views expressed by Canada, South Africa and Irish Free State on proposal of late Government to suspend scheme (see Nos. 8, 6 and 11 Cmd. 2083). It is certain that no contributions would be forthcoming from these three Governments, and that replies from Canada and South Africa would be re-statement of previous attitude. Consequently we approached only yourself, Massey, and Governor, Straits Settlements. In the circumstances you will probably agree that it would be undesirable to communicate further with other Governments at present, but I am letting Massey know personally that your ability to assist will depend on extent to which other Governments can co-operate. Massey's position is similar to your own in that he has just undertaken to maintain second light cruiser at additional cost of £250,000 per annum, but I must communicate with him further before I can give you definite information as to what New Zealand can do. Straits Settlements will hand over land already acquired at cost of 1,250,000 dollars. Hong Kong has made an offer to contribute £250,000. *Ends.*

—AMERY.

* No. 40. † Nos. 38 and 39.

60336

No. 44.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.0 p.m., 29th December, 1924.)

TELEGRAM.

SECRET and Personal. Following for your Prime Minister:—

SECRET and Personal. My telegram 23rd December,* Massey has authorized me to communicate to you following message, which he sent to me on 8th December. Begins: [see No. 40.]

—AMERY.

(iii) Offer of Warships.

(See pages 27-30 of Dominions No. 82.)

9989

No. 45.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 26th February, 1923.)

(No. 12.)

MY LORD DUKE, Government House, St. John's, 12th February, 1923.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 436 of the 29th December, 1922,† respecting the responsibility for the efficiency of the armament of various ships and their naval stores, including ammunition, which have passed under the control of the Dominion Governments, and to inform you that my Ministers concur in the view expressed by the Lords Commissioners of the Admiralty, and are prepared to assume responsibility for the material in question in respect of those which have passed under the control of the Government of Newfoundland as from the date of issue or supply.

I have, &c.,
W. L. ALLARDYCE.

13862

No. 46.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 19th March, 1923.)

(No. 114.)

MY LORD DUKE, Government House, Ottawa, 9th March, 1923.

WITH reference to your despatch of the 29th December, Dominions No. 436,† regarding the responsibility for the satisfactory stability, sea-worthiness, etc., of His Majesty's ships which have passed under the control of the Dominion Governments, I have the honour to inform you that the Canadian Government concurs in the opinions given in Your Grace's despatch, and assumes responsibility for the material in question.

I have, &c.,
BYNG OF VIMY.

* No. 43. † No. 54 in Dominions No. 82.

22609

No. 47.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7th May, 1923.)

(No. 109.)

MY LORD DUKE, Governor-General's Office, Melbourne, 26th March, 1923.

WITH reference to Your Grace's despatch dated 29th December, 1922, Dominions No. 436,* relative to the responsibility for the efficiency of the armament and naval armament stores, including ammunition, of any of His Majesty's ships which may pass from the control of the Admiralty to the control of the self-governing Dominions, I have the honour, at the instance of my Prime Minister, to inform Your Grace that the Admiralty views on this subject are concurred in by the Commonwealth Government.

I have, &c.,
FORSTER,
Governor-General.

29053

No. 48.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th June, 1923.)

[Answered by No. 49.]

(No. 109.)

MY LORD DUKE,

Wellington, 1st May, 1923.

WITH reference to Your Grace's despatch, Dominions No. 436 of the 29th December last,* I have the honour to inform you that the Government of New Zealand is prepared to assume responsibility for the efficiency of the armament and naval armament stores, including all ammunition, of any of His Majesty's ships which have passed or may pass from the control of the Admiralty to the control of the Dominion Government. At the same time, my Ministers propose to continue the procedure which has been carried out in regard to H.M.S. "Chatham," of sending to the Admiralty all Returns connected with the armament of His Majesty's ships under the control of my Government, and it is hoped that the Admiralty will furnish any observations thereon which they may have to offer without a specific request for such observations or advice being made on each occasion of Returns being forwarded.

I have, &c.,
JELlicoe,
Governor-General.

40049

No. 49.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 183.)

MY LORD,

Downing Street, 14th August, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 109 of the 1st May† and to request you to inform your Ministers that the Lords Commissioners of the Admiralty concur in the proposal to continue the procedure, which has been carried out in regard to H.M.S. "Chatham," of sending to the Admiralty Returns concerning the armament and armament stores of

* No. 54 in Dominions No. 82. † No. 48.

His Majesty's ships which have passed or may pass under the control of the New Zealand Government. The Admiralty will be pleased to furnish observations on the Returns without a specific request for such observations being made on each occasion.

I have, &c.,
DEVONSHIRE.

50225

No. 50.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15th October, 1923.)

[Answered by No. 51.]

(No. 483.)

MY LORD DUKE, Governor-General's Office, Pretoria, 26th September, 1923.
I HAVE the honour to transmit to Your Grace herewith, with reference to your despatch Dominions No. 436 of the 29th December, 1922,* copy of Minute from Ministers on the subject of the responsibility of Dominion Governments for efficiency of the armament and naval armament stores, including all ammunition, in respect of His Majesty's ships which are under their control.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 50.

MINUTE 681.

Prime Minister's Office, 22nd September, 1923.

MINISTERS have the honour to refer to His Royal Highness the Governor-General's Minute No. 2/1836 dated the 24th January, 1923, on the subject of the responsibility of Dominion Governments for efficiency of the armament and naval armament stores, including all ammunition, in respect of His Majesty's ships which are under their control, and to point out that they understand that the Lords Commissioners of the Admiralty have arranged for all explosives, including cordite, for ships of the Royal Navy and the South African Naval Services to be dealt with by the Armament Supply Officer, Simonstown, until such time as the Union Government is in a position to supply explosives for the South African Naval Service.

In these circumstances, Ministers are of opinion that the responsibility for the efficiency of explosives supplied to ships of the South African Naval Service should continue to rest with the Admiralty, but as soon as the supply can be arranged for by the Union Government the matter will be reconsidered.

F. S. MALAN.

60718

No. 51.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 333.)

SIR, Downing Street, 21st December, 1923.
I HAVE the honour to acknowledge the receipt of His Royal Highness Prince Arthur of Connaught's despatch No. 483 of the 26th September,† on the subject of the responsibility of Dominion Governments for the efficiency of the Armament and Naval Armament Stores including all ammunition in respect of His Majesty's ships which are under their control, and to request Your Excellency to inform your

* No. 54 in Dominions No. 82. † No. 50.

Ministers that the Lords Commissioners of the Admiralty agree to retain responsibility for the efficiency of explosives supplied to ships of the South African Naval Service, provided that arrangements are made to communicate to the Admiralty all particulars of stocks afloat and that your Government will be prepared to accept responsibility for replacements as may be necessary to comply with the Imperial Regulations.

I have, &c.,
DEVONSHIRE.

(iv) Royal Naval Reserve.
Mobilisation Procedure,

47398

No. 52.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 53, 54, 55, 56 and 57.]

(Canada.	} Dominions No. 377.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 5th October, 1923.

I HAVE the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that, with a view to putting the procedure for mobilizing Royal Naval Reservists Overseas on a uniform basis, the Lords Commissioners of the Admiralty have suggested that the Special Admiralty Order (R.V. 53 C.), by which men of the Royal Naval Reserve of the United Kingdom absent from the British Isles are notified of mobilization, should in future be issued, in all cases, by the Officers Administering the Governments of the Dominions and Colonies.

2. The list of ports at which a Naval Officer is available to issue this Order is necessarily liable to alteration and by vesting this authority invariably in the Officer Administering the Government the necessity for periodically revising the procedure in different Dominions and Colonies would be avoided.

3. It is further proposed that the Proclamation should be issued and forms R.V. 53 C. distributed in all Dominions and Colonies without exception which possess a seaboard.

4. I enclose copies of the Notice, and should be glad to learn whether your Ministers have any comments to offer thereon, and whether they concur in the procedure proposed by the Admiralty.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 52.

R.V. 53 C.

SPECIAL ADMIRALTY ORDER.

MOBILIZATION OF THE ROYAL NAVAL RESERVE.

MEN ABSENT FROM THE BRITISH ISLANDS.

HIS MAJESTY THE KING having issued His Proclamation ordering and directing that the Royal Naval Volunteers (commonly known as the Royal Naval Reserve) under the Royal Naval Reserve Act, 1859, or as many or such part of them as the Lords Commissioners of the Admiralty may direct be called into Actual Service;

Notice is hereby given that all men in the Royal Naval Reserve who are absent from the British Islands are liable to serve in the Royal Navy, if called upon by the Officer Commanding any of His Majesty's Ships.

Royal Naval Reserve men serving in Merchant Ships abroad, on receiving notice of the issue of the Royal Proclamation at any Port they may call at, are to report themselves to the Senior British Naval Officer at that Port, or to the first British Naval Officer they may meet; or failing that, to the nearest Registrar of Naval Reserve on arrival in the British Islands.

Royal Naval Reserve men abroad, but not serving in Merchant Ships, are to report themselves to the nearest British Naval, Dominion, Consular, or Colonial Officer forthwith.

Any Man failing to report himself without delay in compliance with this Order will be liable to arrest as a Deserter.

By Command of the Lords Commissioners of the Admiralty.

55473

No. 53.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17th November, 1923.)

(No. 555.)

MY LORD DUKE,

Government House, Ottawa, 5th November, 1923.

WITH reference to your despatch Dominions No. 377 of the 5th October,* on the subject of the procedure for mobilizing Royal Naval Reservists Overseas, I have the honour to transmit, herewith, a copy of a letter from the Department of the Secretary of State for External Affairs suggesting the procedure that should be observed in this country.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 53.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 29th October, 1923.

WITH reference to a despatch from the Secretary of State for the Colonies to the Governor-General, dated 5th October, 1923, on the subject of the procedure for mobilizing Royal Naval Reservists Overseas, I have the honour to represent that in the event of mobilization of the Royal Naval Reserve the Department of National Defence could arrange for the distribution of forms R.V. 53 C., on behalf of the Admiralty in Halifax, St. John, New Brunswick, Montreal, Quebec, Vancouver, Victoria, New Westminster and Prince Rupert.

The posting up in each of these towns of twenty-five copies of the notice and the communication to the Press of a news item to the effect that the Royal Naval Reserve was being mobilized, would, it is thought, ensure that the news of the mobilization would reach the ears of all men of the Royal Naval Reserve in Canada.

As regards the form of these notices, it is suggested that the copies for distribution in Canada should be specially printed, the fourth paragraph being amended in some such form as the following:—

"Royal Naval Reserve Men in Canada, but not serving in Merchant Ships, are to report their names, address and rank or rating, by telegraph, to the Department of National Defence, Ottawa, requesting instructions as to their future movements."

On receipt of the telegram above referred to, the Department of National Defence could, with the concurrence of the Admiralty, allocate the officers and men to H.M.C. Ships and Establishments, under the provisions of Admiralty Memorandum "C," and could arrange for those for whom there was no employment in the Canadian Naval Service to be sent to England to join Royal Naval Barracks.

I am to request that His Excellency may be humbly moved to cause the Secretary of State for the Colonies to be informed in the above sense.

I have, &c.,

JOSEPH POPE,

Under-Secretary of State for External Affairs.

* No. 52.

1792

No. 54.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12th January, 1924.)

(No. 107.)

MY LORD DUKE,

Government House, St. John's, 20th December, 1923.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 377 of the 5th October last,* on the subject of the procedure for mobilizing Royal Naval Reservists Overseas on a uniform basis, and to inform you that my Ministers have no objection to offer to the procedure proposed by the Admiralty which, in this case, would vest the authority for the issuing of the Order in the Officer Administering the Government. The Notice Form, R.V. 53 C, appears to be satisfactory.

I have, &c.,

W. L. ALLARDYCE.

2223

No. 55.

UNION OF SOUTH AFRICA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th January, 1924.)

(No. 614.)

MY LORD DUKE,

Governor-General's Office, Pretoria, 21st December, 1923.

I HAVE the honour to transmit to Your Grace, herewith, with reference to your despatch Dominions No. 377 of the 5th October, 1923,* copy of Ministers' Minute on the subject of the mobilization of Royal Naval Reservists Overseas on a uniform basis.

I have, &c.,

J. ROSE INNES,

Acting Governor-General.

Enclosure in No. 55.

Prime Minister's Office, Pretoria, 18th December, 1923.

MINUTE 881.

MINISTERS have the honour to state, with reference to His Royal Highness the Governor-General's Minute No. 2/1975, dated 31st October, 1923, transmitting despatch Dominions No. 377 from the Secretary of State for the Colonies dated 5th October, 1923, they agree to the proposal that the Special Admiralty Order (R.V. 53 C) and Proclamation mobilizing men of the Royal Naval Reserve of the United Kingdom absent from the British Isles, shall be issued by the Officer Administering the Government of the Union of South Africa, and will be glad to render all assistance required. The distribution of the documents mentioned above will be effected through the Military District Staff Officers at the respective Coast Ports throughout the Union.

The mobilization above referred to would of course not affect members of the Royal Naval Reserve domiciled in the Union of South Africa unless exemption from service under the Defence Act had been granted such members by the Union Government, in accordance with the provisions of Section 124 of that Act, as amended by Section 9 (VII) of the South Africa Defence Act Amendment Act, 1922.

J. C. SMUTS.

* No. 52.

No. 56.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd February, 1924.)

(No. 323.)

MY LORD DUKE,

Government House, Wellington, 17th December, 1923.

In answer to your despatch No. 377 of the 5th October,* I have the honour to inform Your Grace that the Government of New Zealand concur in the suggestion of the Lords Commissioners of the Admiralty that the Special Admiralty Order (R.V. 53 C), by which men of the Royal Naval Reserve of the United Kingdom absent from the British Isles are notified of mobilization, should in future be issued by the Officer Administering the Government, so far as this Dominion is concerned.

2. My Ministers have no comments to offer on the notice itself.

I have, &c.,

JELlicoe,

Governor-General.

28356

No. 57.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th June, 1924.)

[Answered by No. 59.]

(No. 104.)

SIR,

Governor-General's Office, Melbourne, 7th May, 1924.

WITH reference to your predecessor's despatch dated 5th October, 1923, Dominions No. 377,* on the subject of the procedure for mobilizing Royal Naval Reservists Overseas, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government is willing to adopt the procedure proposed by the Admiralty.

I have, &c.,

FORSTER,

Governor-General.

38665

No. 58.

ADMIRALTY to COLONIAL OFFICE.

(Confidential.)

SIR,

Admiralty, S.W.1, 12th August, 1924.

I AM commanded by My Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State for the Colonies, copy of a letter dated 22nd ultimo, forwarding a copy of a Confidential Memorandum from the Naval Board of Australia, relative to the mobilization of the Royal Naval Reserve.

2. I am to request that it may be brought to the notice of the Commonwealth Government that paragraph 3 of the Naval Board's Memorandum is not in accordance with the agreed arrangements in Memorandum (C), which accompanied Admiralty letter of the 3rd March, 1922.† Under that Memorandum, Officers of the R.N.R. domiciled in a Dominion may be utilized by the Dominion Government on mobilization; but ratings, R.N.R., are discharged from the Reserve prior to emigration. The Memorandum states that both Officers and Men, R.N.R., who are temporarily in a Dominion are required in the Royal Navy, and that "in order not to disorganize the Mercantile Marine, it is considered desirable (unless in exceptional circumstances, of which the Naval Commander-in-Chief should be the judge), Officers and Men should not be taken from Merchant Ships till completion of the

* No. 52. † Enclosure in No. 67 in Dominions No. 82.

round voyage on which they are engaged at the time of mobilization." The Paragraph in question clearly does not contemplate that the Naval Board should in this particular matter exercise the power granted to ordinary Naval Commanders-in-Chief in exceptional circumstances only of removing R.N.R. men from Merchant Ships for service in the Royal Navy.

I am to refer in this connexion to your letter of the 21st June last,* transmitting copy of a despatch from the Commonwealth Government agreeing to the suggestion in Admiralty letter of the 31st July, 1923,† that the Special Admiralty Order (R.V. 53 C) should be issued in Australia. This proposal was made with a view to mobilizing R.N.R. men temporarily in Australia for Imperial Service, as laid down in Memorandum (C), and it had been intended to prepare detailed instructions for their mobilization and disposal. Questions have, however, recently arisen which may render it necessary to alter the present arrangements for the mobilization of R.N.R. men abroad, and in the circumstances I am to request that the Commonwealth Government may be asked to leave this matter in abeyance for the present.

A copy of this letter has been sent to the High Commissioner for Australia.

I am, &c.,

CHARLES WALKER.

Enclosure in No. 58.

(Confidential.)

(N.C. 158.)

SIR,

Australia House, Strand, W.C., 22nd July, 1924.

I AM directed by the High Commissioner to forward, for the information of the Lords Commissioners of the Admiralty, copy No. 56 of Confidential Memorandum A.C.D. 564, dated 12th May, 1924, containing instructions for the guidance of District Naval Officers, Customs Officers and Superintendents of Mercantile Marine Officers in Australia on Mobilization of Royal Naval Reserve.

It is requested that 200 copies of R.V. Form 53C may be forwarded to this Office for transmission to the Naval Board.

I am, &c.,

JOHN ROBINS,

Captain,

for Official Secretary.

The Secretary.

Admiralty, S.W.1.

(A.C.D. 564.)

(Copy No. 56.)

Navy Office, Department of Defence,

Melbourne, 12th May, 1924.

(Confidential Memorandum.)

Mobilization of Royal Naval Reserve. Orders to District Naval Officers.

ON receipt of the telegram "Mobilize Royal Naval Reserves" (as distinct from the mobilization of the Royal Australian Naval Reserves) District Naval Officers will date and sign the Posters (Form R.V. 53C) which are held by them for this purpose, and arrange for them to be prominently posted on all Naval Offices, Customs Offices and Mercantile Marine Offices in their District.

2. Collectors of Customs and Superintendents of Mercantile Marine Offices are instructed to direct all Officers and Men of the Royal Naval Reserve, who report to them as a result of the Notice being posted, to report to the nearest District or Sub-District Naval Officer, except those who are members of the crew of overseas British Ships, who are directed to report to the nearest Registrar of R.N.R. on arrival at a Port in the United Kingdom.

3. The Admiralty has agreed that all Officers and Men of the R.N.R. who are permanently resident in Australia shall be available to serve in the Royal Australian Navy on mobilization, and also, in certain cases where such Officers and Men are temporarily resident in Australia. The following procedure should, therefore, be observed in regard to Officers and Men reporting themselves to District or Sub-District Naval Officers:—

* 28356/23: not printed; it transmitted a copy of No. 57. † 41941/23: not printed; the substance was embodied in No. 52.

- (a) A daily telegram should be despatched to Navy Office, Melbourne, giving the name and rank of Officers, and the numbers of each rating who have reported during the day.
- (b) Forward, by post, to Navy Office daily a list showing Officers and Men who have reported during the day, indicating—

Name and rank or rating.

Address.

Nature of employment.

Whether allotted for temporary duty by D.N.O. or ordered to "Stand by" pending orders from Navy Office.

The above lists are to include any members of the Royal Navy Reserve serving in Coastal vessels in Port.

4. Further instructions regarding the appointment of Officers and drafting of Men will be issued by the Naval Board, and until these orders are received Officers and Men are to be directed to keep in close touch with the Naval Staff Office.

By direction of the Naval Board.

(Signed)

for Secretary.

Distribution:—

Commodore Commanding, H.M.A. Fleet.

Captain in Charge, N.S.W.

Commanding Officers of all H.M.A. Ships and Establishments.

District Naval Officers and Sub-District Naval Officers of Outports.

38665

No. 59.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD,

Downing Street, 21st August, 1924.

WITH reference to Your Excellency's despatch No. 104 of the 7th of May,* I have the honour to transmit to you, to be laid before your Ministers, a copy of a letter† received from the Admiralty on the subject of the Mobilization of the Royal Naval Reserve.

(for the Secretary of State).

HENRY LAMBERT.

- (v) Reciprocal utilization of Naval Personnel on mobilization.

(See pages 33-44 of Dominions No. 82.)

4084

No. 60.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD,

Downing Street, 3rd February, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's Confidential despatches of the 2nd of June and the 23rd of October, 1922,‡ regarding proposals for utilizing for the naval service of Australia naval personnel raised in Great Britain who at a time of mobilization are in the Commonwealth and vice versa, and to request you to inform your Ministers that both despatches have been communicated to the Lords Commissioners of the Admiralty. The question referred to in paragraph 2 of the despatch of the 2nd of June is still under consideration and a further communication in the matter will be addressed to you.

* No. 57. † No. 58. ‡ Nos. 67 and 71 in Dominions No. 82.

2. As regards officers of the Royal Naval Volunteer Reserve resident in Australia referred to in your despatch of the 23rd of October, the Lords Commissioners of the Admiralty state that it is not anticipated that there will ever be any officers or men on the Active List of the Royal Naval Volunteer Reserve in Australia, and that they have no lien on the services of officers and men of that Force when they cease to be on the Active List. As to retired officers of the Royal Naval Volunteer Reserve, the Lords Commissioners state that the number is so small as to be practically negligible, and that no list of such officers resident in Australia is available.

I have, &c.,

DEVONSHIRE.

7817

No. 61.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th February, 1923.)

[Answered by No. 63.]

(Confidential.)

Governor-General's Office, Cape Town,

26th January, 1923.

MY LORD DUKE,

I HAVE the honour to transmit to Your Grace, herewith, with reference to your despatch, Confidential, of the 24th November, 1922,* minute from Ministers on the subject of the position under the South Africa Defence Act Amendment Act of officers and men of His Majesty's Reserve Forces.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 61.

Prime Minister's Office, 23rd January, 1923.

MINUTE 41.

MINISTERS have the honour to state in reference to His Royal Highness the Governor-General's minute 1/1340 of the 22nd December, 1922, that the effect of the amendment of Section 124 of the South Africa Defence Act previously advised is that any male British subject domiciled in the Union other than a British subject serving in His Majesty's Royal Navy, Regular Military Forces or Royal Air Force or employed on the personal staff of the Governor-General of the Union, is required to conform to the laws of the Union providing for every citizen being liable for personal service in time of war for the defence of the Union or for service in the prevention and suppression of internal disorder, consequently all officers and men belonging to the Imperial Naval Reserves who are citizens of the Union at the time of mobilization would be liable to be utilized.

(2) Ministers suggest that in order to meet the requirements of the Admiralty the latter should from time to time furnish lists of officers and ratings of the Imperial Naval Reserves domiciled in the Union, for whose services outside the Union it is at all likely a demand would be made, excluding those temporarily in but not domiciled in the Union, and submit that there will be no difficulty in meeting the wishes of the Admiralty as the earmarking of Union personnel to meet the requirements of Naval Control Service, Royal Naval Reserve and South African Division, Royal Naval Volunteer Reserve, will be done in consultation with the Commander-in-Chief, His Majesty's Ships and Vessels, Africa, who presumably will be aware of Admiralty requirements.

This disposes of paragraphs 1, 2 and 5 of Admiralty memorandum "C."

(3) In regard to paragraph 3 of the above-mentioned memorandum, Ministers point out that such reservists when called out for service under the Defence Act

* No. 70 in Dominions No. 82.

would under ordinary circumstances fall to be dealt with under the Union Regulations affecting them and would only come under Imperial Regulations when called out for service with Imperial units, and it is suggested that, in such event, payment from Union Funds would only be made after arrangements with the Union Government.

(4) Paragraph 4 of the memorandum "C" is agreed to.

(5) Ministers note that copy of His Royal Highness' despatch No. 523 of 23rd September, 1922,* was communicated to the War Office and Air Ministry, but would point out that approval to the Union proposals by the Air Council has already been advised in cable from Secretary of State for the Colonies dated 14th June, 1922.†

J. C. SMUTS.

12285

No. 62.

ADMIRALTY to COLONIAL OFFICE.

(Confidential.)

SIR, Admiralty, S.W.1, 8th March, 1923.
WITH reference to your letter of the 28th December‡ relative to the inquiries recently made as to the possibility of arranging for a proportion of Royal Fleet Reservists to settle in British Dominions or Colonies while retaining their membership of the Reserve, I am commanded by My Lords Commissioners of the Admiralty to request you to inform Secretary the Duke of Devonshire that on consideration of the representations made in your letter they are in agreement with his view that it would have been more proper for their communication on this subject to have been made to him alone in the first instance and not to the High Commissioner or to the Commodore, New Zealand, and they trust that His Grace's consideration of the matter has not been at all seriously hampered.

I am, &c.,

CHARLES WALKER.

19896

No. 63.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 67.]

(Confidential.)

SIR, Downing Street, 8th May, 1923.
I HAVE the honour to acknowledge the receipt of Your Royal Highness's Confidential despatch of the 26th of January§ relative to the utilization of the services of officers and men of the Naval Reserves who may happen to be in the Union of South Africa at the time of mobilization, and to request you to inform your Ministers that the Lords Commissioners of the Admiralty assume from Ministers' Minute No. 41 that the Union Government concur in Memorandum C subject to paragraphs 2 and 3 of that Minute.

2. With regard to the point mentioned in paragraph 2 of Ministers' Minute, the Admiralty state that it is not possible to furnish "lists of officers and men of the Imperial Naval Reserves domiciled in the Union, for whose services outside the Union it is at all likely a demand would be made." Apart from the fact that the Admiralty have no means of distinguishing Naval pensioners who are domiciled in the Union from those who are only temporary residents, the circumstances of a future Naval war are so impossible to forecast with any exactitude, and are liable to such profound changes during the course of the war, that any lists which could be sent beforehand might well prove to be of no value either on mobilization or subsequently.

3. Their Lordships consider it essential in the interests of the Naval defence of the Empire as a whole that they should be in a position, if circumstances render it in their opinion necessary, to utilize the services of certain categories of officers

* No. 68 in Dominions No. 82. † No. 65 in Dominions No. 82. ‡ No. 73 in Dominions No. 82. § No. 61.

and men, as specified in Memorandum C, either immediately on mobilization or at any later stage. As stated in the Memorandum they will not wish to call on the officers and men referred to in paragraph 1 (b) and (e) of the Memorandum unless their services are really urgently required elsewhere. The Lords Commissioners of the Admiralty trust that your Ministers will see their way to agree to the proposals which have already been concurred in by the Governments of Canada, the Commonwealth of Australia, New Zealand and India.

4. As regards paragraph 3 of Ministers' Minute it is inferred that the Union Government accept paragraph 3 of Memorandum C, except the suggestion that officers and men utilized by the Union Government, other than officers on the Emergency List, should be permitted to come under Imperial regulations as regards pay, allowances, etc., if they prefer to do so. In the circumstances, the Admiralty do not wish to press this particular point.

5. It would appear that the last Clause of paragraph 3 of Ministers' Minute, viz., "it is suggested that, in such event, payment from Union Funds would only be made after arrangement with the Union Government," is based upon a misapprehension of the views of the Lords Commissioners as set out in paragraph 3 of Memorandum C. That document contemplates that certain officers and men will automatically come under the Union Government on mobilization and that they will remain under the Union Government unless and until the Admiralty request that they be withdrawn for Imperial Service. Their Lordships presume that whilst serving under the Union Government such persons would be paid from Union funds and they would be glad to receive an assurance to this effect. There was no intention, however, of suggesting that the Union Government should bear the cost of the pay of these United Kingdom Reservists after they had been released for Imperial Service.

6. With reference to paragraph 2 of my Confidential despatch of the 24th of November,* the attention of the Lords Commissioners has since been called to Lord Gladstone's Confidential despatch of the 18th of August, 1913,† which offered to place the South African Division of the Royal Naval Volunteer Reserve at His Majesty's disposal. Under this arrangement it would be possible for any members of the Division who might be in the United Kingdom at a time of mobilization to be detailed for service with the Royal Navy.

I have, &c.,

DEVONSHIRE.

35405

No. 64.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th July, 1923.)

[Answered by No. 73.]

(Confidential (2).)

MY LORD DUKE,

Government House, Ottawa, 30th June, 1923.

WITH reference to your Confidential despatch of the 16th December last,‡ making proposals for the revision of the Royal Fleet Reserve Regulations, in so far as they make residence in the United Kingdom a condition of membership of that Reserve, I have the honour to transmit, herewith, a copy of a letter from the Department of the Secretary of State for External Affairs on the subject.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 64.

DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.
(Confidential.)

SIR,

Ottawa, 26th June, 1923.

WITH reference to a Confidential despatch from the Secretary of State for the Colonies to the Governor-General, dated the 16th December, 1922, making

* No. 70 in Dominions No. 82.

† 31228/13: not printed.

‡ No. 72 in Dominions No. 82.

proposals for the revision of the Royal Fleet Reserve Regulations in so far as they make residence in the United Kingdom a condition of membership of that Reserve, I have the honour to represent that the Department of National Defence will be glad to give to the Lords of the Admiralty every assistance within its power in connexion with the training in His Majesty's Canadian Ships and Establishments of Men of the Royal Fleet Reserve who are domiciled in Canada.

Pending development of organization for training men of the Royal Canadian Naval Volunteer Reserve, and Royal Canadian Naval Reserve, it is not possible to state how many men of the Royal Fleet Reserve could be received for training, but it is hoped that the following estimate may be realized:—

One hundred and fifty Royal Fleet Reserve ratings to be trained every year: the training being that given to men of the Royal Canadian Navy.

Instructions to be given in Gunnery, Torpedo, Signals and Wireless Telegraphy, Seamanship, Engine-room and Regulating duties.

It is not possible to state, at present, when any ratings with anti-submarine qualifications could be received.

Men holding non-substantive ratings, and men of the Royal Marines, to be instructed in one of His Majesty's Canadian ships, provided their number is not more than seventy-five yearly. These seventy-five men are included in the one hundred and fifty ratings referred to above.

As regards men of the Royal Marines who, owing to distance from a sea-port, cannot carry out training in His Majesty's Canadian ships, facilities for training with the Militia Forces of the Dominion will be afforded, it being assumed that the number of Royal Marines (Royal Fleet Reserve) to be trained in any one District, will not be very large.

The training centres, other than Halifax and Esquimalt, at which Royal Marines can be received, are as follows:—

Quebec: Infantry.
Montreal: Infantry.
Kingston or Petawawa: Artillery.
Toronto: Infantry.
London: Infantry.
Winnipeg: Artillery and infantry.

No difficulty is foreseen as regards making suitable local arrangements for candidates for the Royal Fleet Reserve to be examined locally as to their suitability, etc., or making arrangements for their drills, and for the payment of bounties, etc.

The question whether additional clerical assistance would be necessary in this connexion and whether, if this were the case, it would be possible to obtain the services of an Accountant Officer of the Royal Navy to act as Royal Fleet Reserve Registrar at Naval Service Headquarters, Ottawa, might be left for consideration until such time as it is possible to foresee the number of Royal Fleet Reserve Men who will be enrolled in Canada, and the amount of clerical work involved.

I am to request that His Excellency may be humbly moved to cause the Secretary of State for the Colonies to be informed in the above sense.

I have, &c.,

JOSEPH POPE,

Under-Secretary of State for External Affairs.

23751

No. 65.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 68.]

(Confidential.)

MY LORD,

Downing Street, 20th July, 1923.

I HAVE the honour to request Your Excellency to invite the attention of your Ministers to the enclosed correspondence between the Admiralty and the High Commissioner for Canada regarding the utilization of Naval Reserve personnel raised in Great Britain, who at a time of mobilization are in Canada and vice versa.

2. I should be glad if you would inform your Ministers that the Lords Commissioners of the Admiralty would be grateful to receive more exact information as to the extent of the reciprocal facilities to be accorded to the Admiralty by the Dominion Government.

I have, &c.,
DEVONSHIRE.

Enclosure 1 in No. 65.

(Confidential.)

SIR,

Admiralty, S.W.1, 3rd March, 1922.

I AM commanded by My Lords Commissioners of the Admiralty to acquaint you for the information of the High Commissioner that they have had under consideration the question of the utilization by Dominion Governments for Naval services of the various categories of officers and men liable to serve in the Royal Navy who may be in a Dominion at a time of mobilization.

2. My Lords consider that it would be of advantage if uniform and reciprocal arrangements could be adopted for regulating the extent to which Naval personnel raised in Great Britain who happen at a time of mobilization to be in one of the Dominions should be utilized for the Naval Service of the Dominion and vice versa.

3. Their Lordships accordingly suggest for consideration the scheme outlined in the accompanying Memorandum marked "C," and I am to inquire whether the Government of the Dominion of Canada would be prepared to agree to the arrangements therein proposed and to accord reciprocal facilities to the Admiralty.

4. On receipt of your reply a further communication will be sent as regards mobilization arrangements.

5. Similar letters have been addressed to the Secretaries to the High Commissioner for:—

The Union of South Africa,
The Commonwealth of Australia, and the
Dominion of New Zealand.

I am, &c.,
W. J. EVANS.

The Secretary,

High Commissioner for Canada
19, Victoria Street, S.W.1.

(Confidential.)

MEMORANDUM "C" AS TO THE UTILIZATION BY THE GOVERNMENT OF A DOMINION, FOR MINESWEEPING AND THE CONTROL OF MERCHANT SHIPPING, OF NAVAL PERSONNEL WHO ARE IN THE DOMINION AT A TIME OF MOBILIZATION.

Note:—The word "Dominion" is used throughout to include "Commonwealth" and "Union."

1. (a) *Officers, Royal Navy, on the Emergency List.*—These officers are Volunteers and are under no binding obligation to serve in time of war. The Admiralty have no objection to the Dominion Government utilizing their services on mobilization, if they themselves consent. Such officers would be given the option, when they proceed abroad, of serving either in the Royal Navy or under the Dominion Government.

(b) *Retired Officers, Royal Navy.*—The Admiralty have no objection to these officers, whether permanently or only temporarily in the Dominion, being utilized in the first instance by the Dominion Government and regarded as lent to the Dominion Service in the same way as Active Service officers lent to the Dominions in time of peace, provided that the names of all such officers who have been called up by the Dominion Government are at once telegraphed to the Admiralty. My Lords reserve the right to re-allocate to the Imperial Service such of them as may be specially required on account of their Gunnery or other qualifications. *This right would not be exercised unless the officer's services were really urgently required elsewhere.*

(c) *Special Reserve of Engineer Officers, Royal Navy.*—The Admiralty agree to the utilization by the Dominion Government of such of these officers as can be found employment in sea-going fighting ships, but request that any surplus may be left at

the disposal of the Admiralty, the names of such officers in either category being telegraphed to the Admiralty as soon as possible after mobilization.

(d) *Officers, Royal Naval Reserve.* (i) *Domiciled in the Dominion.*—The Admiralty are prepared to allow the services of these officers to be utilized by the Dominion Government.

(ii) *Temporarily in the Dominion.*—The services of all these officers would be required in the Royal Navy, and the Admiralty regret that it would not be practicable to allow them to be utilized by the Dominion Government. Moreover, in order not to disorganize the Mercantile Marine, it is considered desirable that (unless in exceptional circumstances, of which the Naval Commander-in-Chief should be the judge), officers and men should not be taken from merchant ships till completion of the round voyage on which they are engaged at the time of mobilization.

(e) *Royal Navy Pensioners. (Long Service and Disability).* (i) *Domiciled in the Dominion.*—The Admiralty agree to these men's services being utilized by the Dominion Government subject to the conditions stated above in the case of retired officers, Royal Navy. It would, however, be sufficient to telegraph the names of those pensioners who held non-substantive ratings other than Seaman Gunner or Seaman Torpedo Man, complete lists being forwarded by post at the earliest opportunity.

(ii) *Temporarily in the Dominion.*—The services of these men will be required in the Royal Navy.

(f) *Ratings, Royal Naval Reserve and Royal Fleet Reserve.* (i) *Domiciled in the Dominion.*—Such men are under present Regulations discharged from the Reserves prior to emigration. The question, however, of relaxing this rule is under consideration, and a further communication will be made on the subject.

(ii) *Temporarily in the Dominion.*—The services of these men will be required in the Royal Navy, and the Admiralty regret that they are unable to agree to their being utilized by the Dominion Government. The observations in the case of officers, Royal Naval Reserve, as to the undesirability of removing them from merchant ships till the voyage is complete apply equally to men.

2. The Admiralty are willing that those officers and men, referred to above, to whose employment by the Dominion Government on mobilization no objection is offered, should be permitted, if they desire, to join a local Naval Reserve Force in time of peace, at the same time retaining their ranks and ratings in the Imperial Naval Service.

3. As regards pay, allowances, outfit grants and pensions payable on account of disability, or to widows and children of deceased personnel, the Admiralty consider that as a general rule all officers and men mentioned above who may be loaned to the Dominion Government should come under that Government's Regulations unless and until they are re-allocated for Imperial Service; but that they should be permitted to come under the Imperial Regulations (at the charge of the Dominion Government) governing these matters if they prefer to do so, except in the case of officers on the Emergency List volunteering for Dominion Service, who would in all cases be governed by the Dominion Regulations.

4. Leave and Sick Leave would be governed by Imperial or Dominion Regulations according to the Service in which the officer or man was employed.

5. It is desirable that the lists of officers and men who are thus to be utilized by the Government of a Dominion should be completed as far as possible in time of peace and communicated to the Admiralty.

Enclosure 2 in No. 65.

(Confidential.)

Office of the High Commissioner for Canada,

19, Victoria Street, London, S.W.1.

11th December, 1922.

SIR,

I BEG to refer to your letter of the 3rd March last, and to state, for the information of the Lords Commissioners of the Admiralty, that the proposals contained in Memorandum "C," forwarded with your communication, are concurred in by the Department of the Naval Service, Ottawa.

I shall be glad to receive in due course a further communication regarding mobilization arrangements referred to in paragraph 4 of your letter, for transmission to Ottawa.

I am, &c.,

LUCIEN PACAUD,

Joint Secretary.

The Secretary,

Admiralty, S.W.1.

23751

No. 66.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 72.]

(Confidential.)

MY LORD,

Downing Street, 20th July, 1923.

WITH reference to my Confidential despatch of the 3rd of February,* regarding the utilization of Naval Reserve personnel raised in Great Britain, who at a time of mobilization are in the Commonwealth, I have the honour to request Your Excellency to inform your Ministers that, as requested in paragraph 2 of your Confidential despatch of the 2nd June last,† the Lords Commissioners of the Admiralty have arranged that lists of the officers who will be at the disposal of the Commonwealth Government, either entirely or in default of re-allocation by the Admiralty, will be forwarded direct to the High Commissioner in London at an early date. The latest known addresses of these officers will also be given.

2. As regards ratings, it would appear that the Imperial Pensions Paymasters in the States will be in the most favourable position to furnish the names and addresses required. The Lords Commissioners are therefore requesting these officials to forward such lists direct to the Navy Board, Melbourne.

3. I should be glad if you would also inform your Ministers that Their Lordships would be grateful to receive more exact information as to the extent of the reciprocal facilities to be accorded to the Admiralty by the Commonwealth Government.

4. The further communication regarding mobilization arrangements referred to in paragraph 4 of the letter of the 3rd of March, 1922,‡ from the Admiralty to the High Commissioner, will be sent to you shortly.

I have, &c.,

DEVONSHIRE.

38086

No. 67.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st July, 1923.)

[Answered by No. 70.]

(Confidential.)

MY LORD DUKE,

Governor-General's Office, Pretoria, 9th July, 1923.

I HAVE the honour to transmit to Your Grace herewith, with reference to your despatch Confidential of the 8th May, 1923,§ Minute from Ministers on the subject of the utilization of the services of officers and men of the Naval Reserves who may happen to be in South Africa at the time of mobilization.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

* No. 60.

† No. 67 in Dominions No. 82.

‡ Enclosure in No. 67 in Dominions No. 82.

§ No. 63.

Enclosure in No. 67.

Prime Minister's Office, 4th July, 1923.

MINUTE 489.

MINISTERS have the honour to state, with reference to His Royal Highness the Governor-General's Minute 1/1356 of the 1st June, 1923, that the assumption of the Lords Commissioners of the Admiralty set out in paragraph 1 of Minute dated 8th May, 1923, from the Secretary of State, is correct.

(2) In regard to paragraphs 1 (b) and (c) of Memorandum "C" Ministers appreciate the difficulties set out in paragraph 3 of the said Minute from the Secretary of State and, although not able to vary the status and obligations of a citizen of the Union of South Africa as laid down by Act of Parliament, they nevertheless agree, where it is at all possible and in the interests of the Naval Defence of the Empire, to exempt from service in the Union Defence Forces citizens of the Union of South Africa referred to in the said paragraphs of Memorandum "C" as may be called up by the Admiralty.

Ministers do not anticipate any difficulty in this respect because, as previously stated in their Minute of the 23rd January, 1923, the earmarking of all Union personnel likely to be required by the Admiralty is now being carried out in consultation with the Commander-in-Chief, His Majesty's Ships and Vessels, Africa, and any further requirements could be similarly dealt with.

(3) With regard to paragraphs 4 and 5 of the Minute dated 8th May from the Secretary of State, Ministers are in agreement with the principle that so long as any officers and men are in the service of the Union Government they will be paid from Union funds at Union rates of pay and allowances except where special and different arrangements are agreed upon.

(4) In regard to paragraph 6 of aforementioned Minute from Secretary of State, Ministers would draw attention to Section 22 of the South Africa Defence Act, 1912, and are of opinion that should it become necessary there would be no difficulty in meeting the requirements of the Admiralty in the direction indicated in above-mentioned paragraph.

J. C. SMUTS.

43849

No. 68.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th September, 1923.)

[Answered by No. 69.]

(Confidential.)

MY LORD DUKE,

Government House, Ottawa, 23rd August, 1923.

WITH reference to your Confidential despatch of the 20th April [?July]* regarding reciprocal arrangements for the use of Naval personnel at time of mobilization, it is regretted that the Department of National Defence of Canada has limited facilities only, and cannot reciprocate in the use of men along the lines suggested.

The Department is, however, willing to place at the disposal of the Lords Commissioners of the Admiralty on mobilization any officers and men who may be in training in ships or establishments of His Majesty's Navy, and to pay them from Canadian funds while so serving.

The Department will be pleased to receive from the Lords Commissioners of the Admiralty any suggestions concerning additional facilities which they might desire, and their suggestions will be given careful consideration.

I have, &c.,

BYNG OF VIMY.

* No. 65.

47623

No. 69.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.
(Confidential.)

MY LORD,

Downing Street, 3rd October, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's Confidential despatch of the 23rd of August,* and to inform you that the Lords Commissioners of the Admiralty desire that an expression of their thanks may be conveyed to the Canadian Government for the offer to place at the disposal of the Admiralty on mobilization any officers and men of the Royal Canadian Navy who may be training in ships and establishments of His Majesty's Navy and to pay them from Canadian funds while so serving.

2. Their Lordships fully appreciate that, in existing circumstances, no further reciprocal facilities of the kind in question are practicable, but they hope that if the numbers of Canadian Naval personnel should increase in the future the Canadian Government will be able to make some arrangement on the lines of Memorandum "C" which will enable the Admiralty to make immediate use of any Canadian officers and men who happen to be in this country at the time of mobilization.

I have, &c.,

DEVONSHIRE.

47502

No. 70.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.
(Confidential.)

SIR,

Downing Street, 8th October, 1923.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's Confidential despatch of the 9th of July† relative to the utilization of the services of officers and men of the Naval Reserves who may happen to be in South Africa at a time of mobilization, and to inform you that the Lords Commissioners of the Admiralty have requested that an expression of their thanks may be conveyed to your Ministers for meeting their wishes in the matter.

I have, &c.,

DEVONSHIRE.

56083

No. 71.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th November, 1923.)

[Answered by No. 73.]

(Confidential.)

MY LORD DUKE,

Governor-General's Office,

Melbourne, 13th September, 1923.

WITH reference to Your Grace's Confidential despatch dated 16th December, 1922,‡ and in continuation of my cablegram of 20th August, 1923,§ which read:—

"Confidential. With reference to your despatch of 16th December, training of Royal Fleet Reserve in Australia, Commonwealth Government heartily in accord with Admiralty proposals. Facilities for training exist. Despatch follows by mail."

I have the honour, at the instance of my Acting Prime Minister, to ask that the Lords Commissioners of the Admiralty may be informed that the Commonwealth

* No. 68. † No. 67. ‡ No. 72 in Dominions No. 82. § 41425/23: quoted in despatch.

Government is heartily in accord with the suggestion communicated in the Admiralty letter of 18th November, 1922, a copy of which accompanied your despatch, that the Regulations for the Royal Fleet Reserve should be modified to admit of members of that force being permitted to retain their membership whilst resident in Australia.

A Naval Reserve Force, similar to the Royal Fleet Reserve, has been established in Australia, and the regulations governing that force follow, as closely as local conditions permit, those for the Royal Fleet Reserve, so that the facilities for training the Royal Australian Fleet Reserve are available for the training of members of the Royal Fleet Reserve who may be resident in Australia.

The bulk of the training would be carried out at the Flinders Naval Depot, at which establishment the gunnery, torpedo, signal, stokers' and other schools for the Royal Australian Navy are located. Garden Island, Sydney, is also available for the training of all ratings except those men holding higher non-substantive ratings.

These two naval establishments would provide for ratings who may reside in the vicinity of Melbourne and Sydney respectively.

Naval Reserve Training Depots, for training members of the Citizen Naval Forces, are established at Brisbane, Newcastle, Geelong, Launceston, Hobart, Adelaide and Fremantle, and arrangements could be made for Royal Fleet Reserve men, including Royal Marines, in those districts to carry out the necessary drill at the depots mentioned when this cannot be undertaken during the periodical visits of His Majesty's Australian ships thereto.

With regard to paragraph 8 of the Admiralty letter, my Ministers point out that, as most of the men who come to Australia will probably in the first instance reside in country districts far distant from the naval ports, the cost of providing for travelling and subsistence will be considerable, particularly if it is considered necessary for gunnery, torpedo and signal ratings to carry out their training at the schools at the Flinders Naval Depot.

The procedure for keeping records and for mobilization, as set out in paragraphs 6 to 11 of the Admiralty letter, could be carried out as part of the organization already in existence for dealing with the Royal Australian Fleet Reserve, and it is suggested that the Registrars, Royal Australian Fleet Reserve, might be authorized to communicate on matters of routine direct with the Registrars, Royal Fleet Reserve, concerned.

A copy of the regulations governing the Royal Australian Fleet Reserve is forwarded herewith.*

I have, &c.,

FORSTER,
Governor-General.

4478

No. 72.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 29th January, 1924.)

(Confidential.)

Governor-General's Office, Melbourne,

MY LORD DUKE,

20th December, 1923.

WITH reference to your Confidential despatch dated 20th July, 1923,† on the subject of the utilization of Naval Reserve personnel, I have the honour, at the instance of my Acting Prime Minister, to inform Your Grace that the reciprocal facilities which the Commonwealth Government is in a position to accord to the Admiralty in respect of the utilization of Australian Naval Reserve personnel who at the time of mobilization may be in Great Britain are very limited. They are set out in paragraph 4 hereunder.

* Not reproduced.

† No. 66.

2. The Commonwealth Government maintains the following reserves:—

(i) *Retired list*: Officers who have served in the Australian seagoing force, and on discharge have been allowed to retain their commissions. These officers, by virtue of retaining their commissions, are under a moral obligation to serve when called upon to do so, but under existing legislation could not be compelled to serve until called out by universal proclamation with the remainder of the citizens of Australia. The Commonwealth Government, not having in force any system of retired pay or pensions, has no financial hold upon the services of retired officers or ratings after their discharge from the Service.

(ii) *The emergency list* comprises—

(a) Officers who have retired or resigned from the active list of the Royal Australian Navy after satisfactory service.

(b) Officers who have retired or resigned from the active list of the Royal Navy or the Navy of a British Dominion after satisfactory service, provided they are under no obligation to rejoin their former Service in an emergency, and intend to reside permanently in Australia.

These officers have intimated their willingness to serve in war or any emergency, irrespective of the issue of a proclamation.

(iii) *Royal Australian Naval Reserve (seagoing)*: Officers only. The conditions of service in and regulations for the Royal Australian Naval Reserve (seagoing) are based upon those governing the Royal Naval Reserve. Officers are liable for service in case of national emergency on being called out by special proclamation.

(iv) *Royal Australian Fleet Reserve*: Ex-members (men only) of the Permanent Naval Forces (seagoing) who engage for periods of five years. They are paid retainers, perform annual training, and are liable to be called out by proclamation for service in an emergency.

(v) *Royal Australian Naval Reserve*: Officers and men of the Citizen Naval Forces, who are liable to training in peace time and for service on being called out by special proclamation.

(vi) *Royal Australian Naval Volunteer Reserve*: Officers and men liable for service in war or emergency within the limits of the Australian Naval Station when called out by special proclamation.

3. The Royal Australian Naval Reserve (seagoing), Royal Australian Fleet Reserve, Royal Australian Naval Reserve and Royal Australian Naval Volunteer Reserve form the Citizen Naval Forces of the Commonwealth. A proclamation calling out the Citizen Forces would therefore be effective as regards the four Naval Reserve Forces mentioned. Alternatively, provision exists for the issue of special proclamations calling out either one of the Naval Reserve Forces individually, apart from the Citizen Forces as a whole.

4. With reference to Memorandum "C," enclosed with the Confidential letter from the Admiralty to the High Commissioner for Australia in London dated 3rd March, 1922,* the following is the position as regards reciprocal facilities which can be afforded by the Commonwealth Government:—

1 (a) *Officers on the Royal Australian Navy Emergency List*.—Officers permanently leaving Australia would cease to be borne upon the Royal Australian Navy Emergency List, but might continue to be borne on the Royal Australian Navy Retired List. The Commonwealth Government would have no objection to the Admiralty utilizing the services, on mobilization, of any officers who might temporarily be resident in the United Kingdom, subject to their consent; and the Admiralty would on mobilization be informed by the Commonwealth Government of any officers known to be temporarily in the United Kingdom.

(b) *Retired Officers, Royal Australian Navy*.—The Commonwealth Government would have no objection to these officers, if permanently or temporarily in the United Kingdom, being utilized by the Admiralty in the first instance, under similar conditions to those laid down in Memorandum "C" as regards retired officers of the Royal Navy. Owing to there being no system of retired pay it is somewhat difficult for the Commonwealth Government to keep in touch with the movements of officers on the Retired List. In every case, however, where it is known that an officer on the Retired List intends to take up permanent domicile in the United Kingdom

* Enclosure in No. 67 in Dominions No. 82.

the Admiralty would be informed. The Admiralty would also be informed on mobilization of any officers known to be temporarily in the United Kingdom.

(c) *Special Reserve Engineer Officers.*—There is no reserve of these officers in the Royal Australian Navy corresponding to the special reserve of the Royal Navy.

(d) *Officers of the Royal Australian Naval Reserve (seagoing).*—Officers intending to take up domicile permanently outside Australia would be removed from the list of the Royal Australian Naval Reserve (seagoing). The Commonwealth Government would have no objection to the Admiralty utilizing the services of officers who might be temporarily in the United Kingdom on mobilization, under similar conditions to those laid down in Clause (d) (ii) of Memorandum "C." Particulars as to any such officers would be notified to the Admiralty on mobilization.

(e) *Pensioners.*—There are no Royal Australian Naval pensioners (ratings) corresponding to Royal Naval pensioners.

(f) *Ratings: Royal Australian Fleet Reserve.*—Ratings who leave Australia, or are serving in ships outside the waters of the Pacific and Indian Oceans, are not retained in the Royal Australian Fleet Reserve. In the event of a Royal Australian Fleet Reserve rating transferring his domicile to the United Kingdom the question of his transfer to the Royal Fleet Reserve, Class B, would be taken up, but such cases will probably be rare.

5. With regard to paragraphs 3 and 4 of Memorandum "C." the Commonwealth Government desires to give further consideration to the question of arrangements regarding pay, allowances, outfit gratuity, pensions on account of disability or of widows and children of deceased personnel, leave, sick leave, etc., for officers and men loaned by the Admiralty to the Dominion Governments, and vice versa. A further despatch on this subject will be sent to Your Grace at a later date.

I have, &c.,

FORSTER.

Governor-General.

29270

No. 73.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

[Answered by No. 76.]

(Canada. } Confidential.)
(Commonwealth of Australia. }

MY LORD,

Downing Street, 10th September, 1924.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, [Confidential (2) of the 30th of June,*] [Confidential of the 13th of September,†] 1923, regarding the training of members of the Royal Fleet Reserve in [Canada] [the Commonwealth of Australia] and to request you to inform your Ministers that the Lords Commissioners of the Admiralty note with satisfaction that the [Canadian] [Commonwealth Government] are in agreement with their proposals on this subject, and are prepared to afford facilities for the training of the Royal Fleet Reservists who become domiciled in [Canada.] [Australia.]

2. Their Lordships are accordingly issuing instructions to the effect that men of the Royal Fleet Reserve, Classes A and B, may in future be permitted to migrate to [Canada] [Australia] without taking their discharge from the Reserve, and that discharged Naval ratings and Royal Marines resident in [Canada] [Australia] if otherwise eligible under the Royal Fleet Reserve Regulations may be enrolled in the Reserve, subject to the following conditions.

[To Canada only: 3. In view of the information furnished by the Canadian Government regarding the estimated numbers which could be received for training in His Majesty's Canadian ships and Establishments, the Lords Commissioners have

* No. 64.

† No. 71.

decided for the present to limit the number of Royal Fleet Reservists permitted to reside in Canada to 150, including not more than 75 men holding non-substantive ratings.]

[To Australia only: 3. It may be found necessary to impose a limit upon the numbers of Royal Fleet Reservists permitted to reside in Australia; but this would depend upon the numbers which the Commonwealth authorities would be prepared to train, and the Lords Commissioners would therefore be glad to learn what is the maximum number of Royal Fleet Reservists who could be received for training in Australian Naval Establishments.]

[To Canada only: 4. The Lords Commissioners note that facilities exist in Canada for the training of specialist ratings allowed to settle in the Dominion, but that the Canadian Government are unable to provide at present for the reception of Anti-Submarine ratings. Their Lordships will be satisfied if gunnery or torpedo training, according to the non-substantive rating held in the Service, can be given to those ratings of the Seaman Class for whom training in other special branches is not available, and if gunnery training can be given to men holding no non-substantive rating. They note that, in the case of Royal Marine Reservists resident in Canada, training with the Militia Forces will be afforded where distance from a Port precludes training in His Majesty's Canadian ships.]

[5.] [4.] The Lords Commissioners are prepared to defray from Naval funds the expenses of travelling and subsistence in connexion with men's journeys to and from their homes when attending drill, up to a limit, until further notice, of £8 per man per drill. They observe in this connexion that prior to 1912 the allowance payable for these purposes from Naval funds to Reservists abroad was limited to £3 per man per drill, and they anticipate, therefore, that the limit now proposed will enable men to live at greater distances from the training centres than was formerly possible; further, to meet the case of members of the Royal Fleet Reserve, Class B, who may reside at a distance from the training centres involving a greater expense than £8. Their Lordships are prepared to agree to such men performing fourteen days' training biennially, instead of seven days annually, and to defray travelling and subsistence expenses from Naval funds up to a limit of £16 per man for each biennial drill, provided that arrangements can be made for such men to be received for a fortnight's training in alternate years in Dominion ships and Establishments. Their Lordships would be glad to be informed as to the extent to which these limits are likely to restrict the liberty of movement of Reservists allowed to settle in [Canada.] [Australia.] having regard to the present local level of travelling and other expenses.

[6.] [5.] To enable the development of the scheme to be duly watched, Reservists in [Canada] [Australia] will be retained on the Registers of their respective Home Port Divisions. The Lords Commissioners consider, however, that it will be necessary for local Registers to be kept by the [Canadian] [Commonwealth] Naval authorities of the names, ratings and official numbers of Royal Fleet Reservists domiciled within their jurisdiction, and for this purpose to notify the Registrars of the Royal Fleet Reserve at the respective Home Ports of enrolments, re-enrolments or discharges of such Royal Fleet Reservists and of drills performed by them. [To Canada only: Their Lordships note that the Canadian Government anticipate the possibility of the services of an Accountant Officer of the Royal Navy being required as a Royal Fleet Reserve Registrar at the Naval Service Headquarters, Ottawa; but they concur in the view that this question may be left over for consideration until the scheme has reached a further stage of development.] [To Australia only: There would be no objection to direct communication between the Registrars, Royal Australian Fleet Reserve, and the Registrars, Royal Fleet Reserve, for this purpose.] [To all: Payments made by the [Canadian] [Commonwealth] Naval authorities in respect of Royal Fleet Reserve men would be reclaimed from the Accountant-General of the Navy in the usual manner.]

[7.] [6.] A new edition of the Royal Fleet Reserve Regulations is now in the Press and copies will be supplied to the [Canadian] [Commonwealth] Naval authorities when ready.

[8.] [7.] In the event of mobilization of the Royal Fleet Reserve, the Lords Commissioners understand the [Canadian] [Commonwealth] Government to concur in the view that the procedure followed should be that indicated in paragraph 11 of Admiralty letter of the 18th November, 1922,* of which a copy was enclosed in

* No. 69 in Dominions No. 82.

my predecessor's Confidential despatch of the 16th December, 1922.* The details of the mobilization arrangements will be the subject of a further communication.

I have, &c.,
(for the Secretary of State),
ARNOLD.

45721

No. 74.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 78.]

(Confidential.)

MY LORD,

Downing Street, 1st October, 1924.

WITH reference to my predecessor's Confidential despatch of the 8th of October, 1923,† and previous correspondence on the subject of the utilization of the services of officers and men of the Naval Reserves who may happen to be in South Africa at a time of mobilization, I have the honour to request Your Excellency to inform your Ministers that the Lords Commissioners of the Admiralty have had under consideration, as stated in paragraph 1 (f) (i) of Memorandum C (a copy of which was enclosed in the letter from the Admiralty to the High Commissioner for the Union of South Africa of the 3rd of March, 1922‡), the revision of the present provision in the regulations for the Royal Fleet Reserve, under which residence in this country is a condition for membership of that Reserve, and men proceeding abroad for periods exceeding six months are discharged.

The Lords Commissioners' proposals under this head are set out in the enclosed letter sent from the Admiralty to the Commander-in-Chief, His Majesty's Ships and Vessels, Africa; a copy of this letter was also sent to the High Commissioner for the Union of South Africa. In the light of the correspondence referred to above on the subject of Naval Reservists, the Lords Commissioners hope that your Ministers will see no objection to the retention by the Admiralty of a prior claim to the services of any Royal Fleet Reservists who may be resident in the Union. Subject to the concurrence of your Ministers in this view, the Lords Commissioners would propose that the responsibility for the administration of the Royal Fleet Reserve in South Africa in time of peace, and the allocation of such Reservists in the event of mobilization, should rest with the Imperial Naval Authorities. They would, however, be grateful if the Union Government could agree to afford facilities for Royal Marine Reservists, domiciled at distances from ports which render impracticable their instructions on board His Majesty's ships, to undergo training with the military forces of the Union, as set out in paragraphs 3 and 5 of the enclosed letter. Their Lordships would be prepared to defray from Naval funds the expenses of travelling and subsistence in connexion with the journeys of such men to and from their homes when attending drill, up to a limit, until further notice, of £8 per drill; and, in the case of members of Class B of the Royal Fleet Reserve who may reside at a distance from the training centres involving a greater expense than £8, Their Lordships would be willing that such men should perform fourteen days' training biennially, instead of seven days annually, and they would defray training and subsistence expenses up to a limit of £16 per man for each biennial drill, if arrangements could be made to retain such men for a fortnight's training in alternate years. As the training prescribed for Class A of the Royal Fleet Reserve already consists of a week in alternate years it would not be possible to include Class A in the arrangement proposed for Class B. In this connexion Their Lordships observe that prior to 1912 the allowance payable from Naval Funds for these purposes was limited to £3 per man per drill, and they anticipate, therefore, that the limit now proposed will enable men to live at greater distances from the training centres than was formerly possible. Any payments made by the Union Government in respect of such training could be reclaimed from the Accountant-General of the Navy.

* No. 72 in Dominions No. 82. † No. 70. ‡ See enclosure in No. 67 in Dominions No. 82.

The Lords Commissioners would also be glad to learn the views of your Ministers as to the extent to which the proposed maximum limit of allowances payable is likely to restrict the freedom of movement of Reservists settled in the Union having regard to the present local level of travelling and other expenses.

I have, &c.,
J. H. THOMAS.

[57214]

Enclosure in No. 74.

Admiralty, S.W.1, 20th November, 1922.

The Commander-in-Chief,
His Majesty's Ships and Vessels,
Africa.

I AM to acquaint you that Their Lordships have had under consideration the revision of the present provision in the Regulations for the Government of the Royal Fleet Reserve, under which residence in the United Kingdom, the Channel Islands, or the Isle of Man is a condition of membership of that Reserve and men proceeding abroad for periods exceeding six months are discharged.

2. The existing state of employment in the United Kingdom renders it desirable to consider the possibility of allowing a proportion of Royal Fleet Reservists to settle in British Dominions or Colonies, while retaining their membership of the Reserve and the present and prospective benefits attaching to such membership, provided that arrangements can be made for them to carry out locally the periodical training prescribed by the Regulations; and I am to request that you will report to what extent it would be possible to make such arrangements in the case of Royal Fleet Reservists emigrating to the Union.

3. The rules now in force for the training of the Royal Fleet Reserve are as follows:—

(i) Class A (Long Service Pensioners) are required to perform one week's training during the calendar year following the year of enrolment in the Reserve, and one week's training during each alternate calendar year thereafter, excluding the year in which they become qualified for Reserve Pension and are finally discharged from the Reserve.

(ii) Class B (men discharged from the Royal Navy or Royal Marines without a Pension, and enrolled in the Reserve) are required to perform one week's training during the calendar year following that in which they enrol, and one week's training each subsequent calendar year. In cases where enrolment is not effected within one year of discharge from the Active Service, a week's training is also required immediately on enrolment. Training is not required in the year in which men are due for final discharge with Reserve gratuity.

(iii) In the case of Royal Fleet Reservists training at the Home Ports, a week's training consists of six forenoon and five afternoon drills. Special classes of instruction are formed—

- (a) for gunnery ratings at the Gunnery Schools;
- (b) for Torpedo ratings at the Torpedo Schools;
- (c) for Submarine ratings, who volunteer for further service as such, at the Submarine School;
- (d) for ratings with anti-Submarine qualifications at the anti-Submarine School;
- (e) for other Seamen and Stokers at the Royal Naval Barracks—training of Stokers being carried out by the Engineer Officers;
- (f) for Signal and Wireless Telegraphy Ratings at the Signal School;
- (g) for Sailmakers at the Dockyard Sail Lofts;
- (h) for the Regulating Branch at the Royal Naval Barracks and
- (i) for Royal Marines at the Royal Marine Headquarters.

4. Their Lordships appreciate that, in some cases, the same facilities for the Specialist training of Seaman ratings do not exist locally as in the United Kingdom. In such cases they would be satisfied if men were to carry out Gunnery or Torpedo training, according to the non-substantive ratings held by them in the Service, or where no non-substantive rating is held, if they performed only Gunnery training.

5. In the case of Royal Marines, Their Lordships suggest that they should undergo instruction in Gunnery on board His Majesty's Ships, and that, in cases where owing to distance from a port it is impracticable to carry out such training, arrangements might be made for them to undergo training with the Military Forces of the Union.

6. In the event of such a scheme being approved, it would further be necessary for suitable arrangements to be made for candidates for the Royal Fleet Reserve to be examined locally as to their eligibility and suitability for enrolment, and for the payment of retainers to qualified men of Class B in accordance with the Regulations.

7. The general procedure to be followed would be that laid down in Admiralty letter of the 12th February, 1903, N.14833/02.

8. Cases of misconduct on the part of Royal Fleet Reservists would be dealt with by the Local Senior Officer under the Royal Fleet Reserve Regulations, any dismissals from the Reserve being notified to the Registrar, Royal Fleet Reserve, of the man's Port Division.

9. A list of Royal Fleet Reserve men on the station under your command would be kept under your authority, and it would be necessary to make arrangements for their mobilization locally in the event of emergency. As regards the employment of Royal Fleet Reserve men immediately on mobilization, while Their Lordships consider it essential that they should be regarded as available for general service in time of war, they are prepared to leave their allocation in the first instance on mobilization to the Local Senior Officer, observing that it would probably prove desirable to draft some of them as gun's crews to defensively-equipped merchant ships in Union ports and so enable the vessels to proceed to their destinations. The names of any men holding higher non-substantive ratings allocated to this or any other service by local authority should be telegraphed to the Admiralty.

By Command of Their Lordships,
CHARLES WALKER.

(Copy sent to High Commissioner for the Union of South Africa.)

45721

No. 75.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD,

Downing Street, 1st October, 1924.

WITH reference to paragraph (f) (i) of Admiralty Memorandum "C" of the 3rd of March, 1922, which was forwarded to the High Commissioner for New Zealand in Admiralty letter of the 3rd of March, 1922,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a letter from the Admiralty† on the subject of revision of the Royal Fleet Reserve Regulations in order to enable Royal Fleet Reservists who settle in the Dominions to retain their membership of the Reserve.

2. Their Lordships are anxious that the scheme, which has been accepted by the Governments of Canada and the Commonwealth of Australia, should receive the consideration of your Government with a view to the adoption of some similar arrangement in New Zealand. They point out, however, that in the case of New Zealand special considerations arise as the New Zealand Naval Defence Act, 1913, and the Naval Defence Amendment Act, 1922, if strictly applied, would lead to the enrolment of all eligible men discharged from the Royal Navy and resident in New Zealand in the New Zealand Royal Naval Reserve, and consequently preclude their enrolment, or, if already enrolled, their retention in the Royal Fleet Reserve. Their Lordships trust, however, that if your Ministers concur in their proposals, the Acts will not be applied so as to prevent ex-Royal Naval ratings living in the Dominion from joining or retaining their membership of the Royal Fleet Reserve, particularly as Royal Fleet Reservists discharged from the Reserve under such circumstances would under the Regulations be unable to qualify for the pension or gratuity payable by the Admiralty to men who complete their Reserve service.

* See enclosure in No. 67 in Dominions No. 82.

† No. 69 in Dominions No. 82.

3. If your Ministers concur in the general principle and can arrange for the periodical training prescribed by the Royal Fleet Reserve Regulations, Their Lordships would be prepared to defray from Naval funds the expenses of travelling and subsistence in connexion with men's journeys to and from their homes when attending drill, up to a limit, until further notice, of £8 per man per drill. In the case of members of the Royal Fleet Reserve, Class B, who may reside at a distance from the training centres involving a greater expense than £8, Their Lordships would be willing that such men should perform fourteen days' training biennially, instead of seven days annually, and to defray travelling and subsistence expenses up to a limit of £16 per man for each biennial drill, if arrangements could be made to receive such men for a fortnight's training in alternate years. As the training prescribed for Class A of the Royal Fleet Reserve already consists of a week in alternate years it would not be possible to include Class A in the arrangement proposed for Class B. Their Lordships observe in this connexion that prior to 1912 the allowance payable for these purposes from Naval funds was limited to £3 per man per drill and they anticipate therefore that the limit now proposed will enable men to live at greater distances from the training centres than was formerly possible.

4. I should be glad to be informed whether your Ministers are prepared to co-operate in a scheme on the lines suggested and particularly if they concur in the proposals of paragraph 11 of the Admiralty letter enclosed regarding the employment of such Reservists on mobilization. If so, Their Lordships would be grateful to learn whether any maximum limit should be fixed to the numbers of such men trained in New Zealand and also as to the extent to which the maximum limit of allowances payable for travelling and subsistence is likely to restrict the liberty of movement of Reservists settled in New Zealand, having regard to the present local level of travelling and other expenses.

I have, &c.,
J. H. THOMAS.

53521

No. 76.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 14th November, 1924.)

[Answered by No. 77.]

(Confidential.)

SIR,

Government House, Ottawa, 3rd November, 1924.

WITH reference to your Confidential despatch of the 10th September,* on the subject of the training of members of the Royal Fleet Reserve in Canada, I have the honour to enclose, herewith, for transmission to the Lords Commissioners of the Admiralty, a copy of a communication from the Deputy Minister of National Defence.

I have, &c.,
BYNG OF VIMY.

Enclosure in No. 76.

Department of National Defence, Naval Service,

Ottawa, Canada, 22nd October, 1924.

SIR,

WITH reference to your communication of 22nd September enclosing copy of despatch dated 10th September, from the Secretary of State for the Colonies to the Governor-General, regarding training of men of the Royal Fleet Reserve resident in Canada, paragraphs 1 to 4, and paragraphs 6 to 8 of the despatch have been noted for information and necessary action.

2. As regards paragraph 5 of the despatch, relating to travelling expenses of men of the Royal Fleet Reserve when proceeding to and from Halifax and Esquimaux for annual drill:—

* No. 73.

The proposal of the Admiralty that members of the Royal Fleet Reserve, Class B, who may reside at a distance from the Training centres, involving a greater expense than £8 shall be permitted to perform fourteen days' training biennially instead of seven days annually, and that their travelling and subsistence expenses from Naval funds, up to a limit of £16 per man for each biennial drill, shall be payable, will solve a difficulty which requires to be overcome in connexion with members of the Royal Fleet Reserve resident in places more distant from Halifax and Esquimalt than Montreal and Calgary, respectively.

3. The cost of single second-class or tourist car fare by C.N.R. line at Government rates from various Canadian cities, and the number of hours necessary for the journey, are as follows:—

To Halifax.	Cost of 2nd class fare.	Number of hours journey.	To Esquimalt.	Cost of tourist car fare.	Number of hours journey.
	\$			\$	
Quebec	11.30	18	Winnipeg	34.82	62
Montreal	14.04	25	Calgary	18.04	48
Hamilton	20.26	34	Saskatoon	26.95	47
Toronto	19.63	33	Edmonton	20.12	37
			Regina	27.34	58

Subsistence allowance payable to men below the rating of Petty Officer, under R.C.N. Regulations, is:—

For 24 hours	\$2.25
Above 9 hours, but not absent a night	\$1.15
Above 5 hours, but under 9 hours	\$0.60

Considering, as test cases, the journey of an Able Seaman from Toronto and from Winnipeg to Halifax and Esquimalt, respectively, it will be noted, as regards Toronto, that the cost of a single fare is \$19.63, exclusive of berth, which is not allowed for a journey from Toronto to Halifax, and that the journey occupies thirty-three hours.

Subsistence for an Able Seaman for thirty-three hours, at R.C.N. rates (which, it is assumed, will be payable to men of the R.F.R. when travelling in Canada) is \$3.40, and the amount required for travelling expenses for the journey would be \$23.63, or \$47.26 for the journey to and from Halifax.

£8 converted into Canadian currency, at say \$4.50 to the Pound, is \$36.00, and an Able Seaman, Royal Fleet Reserve, travelling from Toronto to Halifax and return, would have to pay, out of his own pocket \$11.26, in respect to the expenses of his journey.

As regards Winnipeg, the cost of tourist car fare at Government rates is \$34.82 (including berth, which is authorized for R.C.N. ratings when travelling westwards) and subsistence payable to an Able Seaman at R.C.N. rates for a journey of sixty-two hours, is \$5.65.

The amount required for travelling expenses for the journey to Esquimalt, would, therefore, be \$40.47 or \$80.94 for the journey both ways.

£8 converted into Canadian currency at say, \$4.50 to the Pound, is \$36.00, and an Able Seaman, Royal Fleet Reserve, travelling from Winnipeg to Esquimalt and return would, therefore, have to pay out of his own pocket \$44.94 in respect to the expenses of his journey.

4. From the above figures, it will be observed that £8 is not sufficient for travelling expenses for men living in the central towns of Canada, but that £16 will be sufficient, except for journey from Winnipeg.

5. Arrangements can be made for Royal Fleet Reserve men, Class B, whose travelling expenses will exceed £8 to be accommodated in His Majesty's Canadian Ships and Establishments for fourteen days' drill biennially, instead of for seven days annually.

6. It is recommended, therefore, that the confirming approval of Their Lordships may be given to the proposal as regards fourteen days' drill biennially, and a maximum of £16 travelling expenses, which has been under discussion.

It would, of course, be made quite clear to men of the Royal Fleet Reserve resident in Canada, that the £16 was a maximum, and that the cost of the journey at Government rates, and subsistence allowed for corresponding ratings of the R.C.N. when travelling on duty, *only*, would be payable within the maximum of £16.

Pending Their Lordships' decision, the following information regarding travelling expenses is given to Royal Fleet Reserve men now resident in Canada:—

"Repayment of travelling expenses and subsistence incurred in proceeding to Training Headquarters and in returning to home town, is limited to a maximum of £8, or £4 for the journey each way to and from Training Headquarters. The £8 will be converted into Canadian money at the current rate of exchange, and the maximum amount payable will, therefore, be somewhat less than \$40, or \$20 for the journey each way.

The maximum of £8 is not payable to Royal Fleet Reserve men unless the length of the journey necessitates expenditure of that amount. The method which will be followed in assessing the travelling expenses is to allow, within the above maximum, the cost of rail transportation and subsistence, in accordance with the scale authorized for corresponding ratings in the R.C.N."

7. The following subsidiary questions present themselves for consideration if the proposal as regards fourteen days' drill biennially and increase of travelling expenses within a maximum of £16 is approved.

(a) Whether the first biennial drill in Canada should be performed in the year in which first annual drill in Canada is due.

For example:—Whether an Able Seaman due to drill in 1925 should be required to perform fourteen days' drill in 1925, and fourteen days in 1927, *instead of* fourteen days' drill in 1926 and fourteen days in 1928.

(b) Whether any arrangements can be made as regards travelling expenses in the case of a Royal Fleet Reserve man, who is resident in an inland town whence travelling expenses to and from Training Headquarters will be in excess of £8, and who is within four years of completion of period of enrolment, and who has only three annual drills to perform, being exempt for the last year, under Article 38 of the Royal Fleet Reserve Regulations, 1924.

For example:—A man who takes up residence in Canada in 1924, who is due for drill in 1925, 1926 and 1927, and who is due for discharge on termination of period of enrolment in 1928. A solution of this difficulty might be to authorize such a man to perform ten days' drill in 1925, and eleven days in 1927 (a total of twenty-one days for the three years), travelling expenses within a maximum of £12 for each of these two periods being payable.

The following regulation is suggested as covering this proposal:—

"When during the last four years of enrolment, Royal Fleet Reserve men, Class B, resident in the inland cities of Canada (whence travelling expenses to and from Training Headquarters exceed £8) are due to perform only three periods of seven days' drill, such drill may be carried out in two, instead of in three periods, viz., ten days' drill during the third year prior to date of completing term of enrolment, and a period of eleven days during penultimate year of enrolment. Travelling expenses within a maximum of £12 will be allowed when proceeding to and from Training Headquarters for each of these two periods of drill."

8. Apart from Class B men, the travelling expenses of Royal Fleet Reserve men, Class A, living in the inland towns in Canada, would appear to require consideration.

Such men are required to perform seven days' drill biennially, but in cases where travelling expenses to and from Training Headquarters will be in excess of £8 it is recommended that during their first drill in Canada after taking up residence in the Dominion, they should perform ten days' drill, and thereafter, ten days' drill every third year; the number of days' drill performed in the year during which they carry out final drill prior to completion of enrolment being increased or decreased, if necessary, so that they shall not have performed, during period of residence in Canada as members of the Royal Fleet Reserve, more than the amount of drill specified in the Royal Fleet Reserve Regulations, viz., seven days' drill biennially.

Travelling expenses in such cases for each period of ten days' drill, to be limited to a maximum of £12; the maximum travelling expenses for attending drill during the penultimate year of enrolment to be limited to the difference between £8 multiplied by the number of times that they would have been required to perform drill during their period of service in the Royal Fleet Reserve whilst resident in Canada and the amount of travelling expenses actually paid to them for attending drills whilst resident in Canada.

Taking for example the case of a Petty Officer, Royal Fleet Reserve, Class A, who takes up residence in Canada in 1924, and is due for drill in 1925 and thereafter biennially until 1934, when he is due for discharge:—

Such Petty Officer, under the proposal above, would perform ten days' drill in 1925 and ten days in 1928, and fifteen days' drill in 1931. He would receive a maximum of £12 travelling expenses when attending drill in 1925 and 1928, and a maximum of £16 travelling expenses when attending drill in 1931.

(ii) An alternative and more simple solution would be to authorize travelling expenses for Class A men resident in Canada, up to a maximum in excess of £8 (maximum of £12 is suggested) the men carrying out seven days' drill biennially in accordance with the regulations.

9. It is possible that cases may arise which are not covered by the above proposals in regard to period of drill and amount of travelling expenses of men living in the inland cities of Canada.

Their Lordships might, therefore, wish to consider the feasibility of entrusting to this Department authority to arrange periods of drill and amount of travelling expenses on the general lines indicated in this letter, subject to the restriction that the total number of days' drill performed during period of residence in Canada is to be the total which the Royal Fleet Reserve men would be due to perform under Royal Fleet Reserve Regulations, and that the total amount of travelling expenses payable during period of residence in Canada is not to exceed the amount which would be payable to them under A.F.O. 1713/24 for the numbers of periodical drills which they are required to perform during their residence in Canada.

10. It would be very convenient if Their Lordships' approval of the proposals made in paragraph (6) above could, if possible, be communicated by telegraph, in order that Class B men now resident in inland towns in Canada, who are due for annual drill in 1924, may be instructed to join Training Headquarters for fourteen days' drill for the years 1924 and 1925, with maximum travelling expenses of £16.

I have, &c.,

G. J. DESBARATS,
Deputy Minister.

The Under-Secretary of State for External Affairs,
Department of External Affairs,
Ottawa.

57180

No. 77.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD,

Downing Street, 10th December, 1924.

I HAVE the honour to confirm my telegram of the 8th of December,* which read as follows:—

"Your Confidential despatch of the 3rd November.† Training of members of Royal Fleet Reserve in Canada. Admiralty approve proposal set out in paragraph 6 of enclosure to your despatch. Despatch follows."

2. I have to request Your Excellency to inform your Ministers that the Lords Commissioners of the Admiralty note that it will be made clear to men of the Royal Fleet Reserve resident in Canada, that the limit of £16 referred to is the maximum allowable for travelling and subsistence on any one occasion, and that the actual cost only of the journey at Government rates, and of subsistence at the rates allowed for corresponding ratings of the Royal Canadian Navy when travelling on duty, will be payable within that maximum.

3. With regard to the questions raised in paragraph 7 and following of the letter of the Deputy Minister of National Defence, dated the 22nd of October,‡ the Lords Commissioners of the Admiralty agree to discretion being vested in the Department of Naval Service to arrange for the performance of drills and the

* 57180/24: not printed; the text is quoted in this despatch. † No. 76. ‡ Enclosure in No. 76.

payment of travelling expenses on the general lines proposed, provided that it is clearly understood that the total number of days' drills to be performed during the period of a man's membership of the Reserve, while resident in Canada, is the total which he is due normally to perform under the Royal Fleet Reserve Regulations; and that the total amount of travelling and subsistence expenses payable to him during that period is not to exceed the amount which would be payable under Admiralty Fleet Order 1713/24 for the number of periodical drills which he is due to perform during that period under the Regulations.

4. Their Lordships add that, in the case of Royal Fleet Reservists, Class B, who are permitted to perform fourteen days' drill in the second of two years in which two annual drills would normally have been performed, retainer will be payable in advance of drill up to, and including, the 30th of September in the second year, i.e., men will not be regarded as in arrear with drill provided that drill is performed before the time arrives for the final payment of retainer in the second year.

I have, &c.,

L. S. AMERY.

60822

No. 78.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 30th December, 1924.)

(Confidential.)

SIR,

Governor-General's Office, Pretoria, 9th December, 1924.

I HAVE the honour to transmit to you herewith, with further reference to your predecessor's despatch, Confidential, of the 1st October, 1924,* and Prince Arthur of Connaught's despatch, Confidential, of the 9th July, 1923,† copy of Minute from Ministers on the subject of the utilization of the services of officers and men of the Naval Reserves who may happen to be in South Africa at a time of mobilization.

I have, &c.,

ATHLONE,
Governor-General.

Enclosure in No. 78.

(Confidential.)

Prime Minister's Office, Pretoria, 5th December, 1924.

MINUTE No. 957.

MINISTERS have the honour to state with reference to His Excellency the Governor-General's Confidential Minute of the 24th October, 1924, No. 1/1409, transmitting Confidential despatch from the Secretary of State for the Colonies dated 1st October, 1924, that it is not possible to depart from the provisions of Section 124 of the South Africa Defence Act, 1912 (as amended by Act 22 of 1922), but, as stated in paragraph (2) of their Minute No. 489 of the 4th July, 1923,‡ they agree, where possible, to exempt from service in the Union Defence Forces any members of the Royal Fleet Reserve (Class A or B) domiciled in the Union, whose services may be specially required by His Majesty's Government, and it is suggested that a list of such personnel may be forwarded, in due course, when the necessary exemption will be granted.

(2) It is agreed that the responsibility for the administration of the Royal Fleet Reserve in South Africa in time of peace, and the allocation of such Reservists in the event of mobilization, should rest with the Imperial Naval authorities.

(3) Ministers are prepared to afford facilities for any Royal Marine Reservists who may be domiciled at considerable distance from the Ports, to undergo their training with the Union Defence Forces, it being agreed that all expenditure on rations, accommodation, travelling, etc., in connexion with such training will be

* No. 74. † No. 67.

defrayed from Imperial Naval Funds. No charge will be made by the Union Government for the actual training. In this connexion it is assumed that the names and addresses of such Reservists, together with a syllabus of the training to be carried out, will be communicated in due course.

Ministers, however, desire to point out that the proposed travelling allowance of £8 and £16 respectively for the conveyance of Reservists from their homes to place of drill would be sufficient to cover the Second-Class return rail fare from Johannesburg to Cape Town, at concession rates, as the latter is at present £4 3s. 3d., and also to East London, Port Elizabeth or Durban, as these would be correspondingly less; in view of this it is thought that His Majesty's Government may possibly consider it more desirable to arrange for all Naval Reservists of the Royal Fleet Reserve, including Royal Marines, residing inland, to undergo their training at one or other of the Coast Ports, together with other members of that Reserve.

J. B. M. HERTZOG.

(vi) Scales of Defence for Ports.

9541

No. 79.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 80, 81, 84, 86 and 87.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 309. Secret.)

[MY LORD,] [SIR,]

Downing Street, 15th August, 1923.

I HAVE the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that the Committee of Imperial Defence have recently had under consideration the probable forms of attack to which ports at home and throughout the British Empire may be subjected in war and the forms of defence which would be required to meet such attack. The scale of seaborne attack which may be expected has also been reviewed.

2. Two memoranda on these subjects, Nos. 508M and 509M, have been prepared and have been approved by the Committee of Imperial Defence, the former dealing with forms of attack and forms of defence, and the latter with probable scales of attack against Dominion and Indian ports. Copies of these memoranda,* are enclosed for the information of your Ministers.

3. The Committee of Imperial Defence are now considering what scales of defence would be necessary at ports of the Colonies not possessing self-government, and would be glad to learn whether it would be of assistance to Dominion Governments if corresponding statements as to scales of defence were prepared for their ports.

I have, &c.,

DEVONSHIRE.

48044

No. 80.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st October, 1923.)

(Secret.)

MY LORD DUKE,

Government House, Ottawa, 15th September, 1923.

WITH reference to Your Grace's Secret despatch of the 15th August, Dominions No. 309,† I have the honour to inform you that the Department of National Defence would be glad to possess statements concerning the scales of defence prepared by the Committee of Imperial Defence, for Canadian ports.

I have, &c.,

BYNG OF VIMY.

* Not reprinted. † No. 79.

49565

No. 81.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.4 p.m., 10th October, 1923.)

TELEGRAM.

(Paraphrase.)

10TH OCTOBER. Secret. My Ministers ask me to inform you, with reference to paragraph 3 of your Secret despatch Dominions No. 309, 15th August,* on the subject of coast defence, that the New Zealand Government leaves the question whether kind offer of Committee of Imperial Defence in respect of New Zealand ports should be accepted to Mr. Massey's decision. Acceptance of the offer appears to my Ministers to be desirable. I should be glad if you would inform Mr. Massey. —JELlicoe.

49565

No. 82.

NEW ZEALAND.

MR. MARSH (COLONIAL OFFICE) to MR. MASSEY (PRIME MINISTER).

[Answered by No. 83.]

DEAR MR. MASSEY,

Downing Street, 15th October, 1923.

I ENCLOSE a copy of a telegram† we have received from the Governor-General, with regard to the suggestion that statements as to scales of defence might be prepared by the Committee of Imperial Defence for ports in New Zealand. A copy of the despatch of the 15th August* has already been sent to you. We should be glad to learn your decision in the matter in due course, in order that we can communicate with the Committee of Imperial Defence.

Yours sincerely,

E. MARSH.

51785

No. 83.

NEW ZEALAND.

MR. MASSEY (PRIME MINISTER) to MR. MARSH (COLONIAL OFFICE).

(Received 24th October, 1923.)

DEAR MARSH,

Prime Minister's Office, Hotel Cecil, 23rd October, 1923.

MR. MASSEY desires me to acknowledge the receipt of your letter of the 15th instant,‡ covering copy of telegram† received from the Governor-General of New Zealand, with regard to the suggestion that statements as to scales of defence might be prepared by the Committee of Imperial Defence for ports in New Zealand.

I am glad to say that the New Zealand Government will be very glad to accept the offer of the Committee of Imperial Defence.

Yours sincerely,

F. W. THOMSON.

59172

No. 84.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th December, 1923.)

[Answered by No. 85.]

(Secret.)

MY LORD DUKE,

Government House, Wellington, 11th October, 1923.

WITH reference to Your Grace's Secret despatch Dominions No. 309 of the 15th August,* and to my cipher telegram of the 10th October,† relative to the kind

* No. 79. † No. 81. ‡ No. 82.

offer of the Committee of Imperial Defence to prepare statements as to the scales of defence for New Zealand ports, I have the honour to request that you will be so good as to let me know, after consultation with Mr. Massey, what decision has been arrived at in the matter.

I have, &c.,
JELLCOE,
Governor-General.

59172

No. 85.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 13th December, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's Secret despatch of the 11th of October,* and to state, for the information of your Ministers, that I have consulted Mr. Massey on the suggestion that statements as to scales of defence might be prepared by the Committee of Imperial Defence for ports in New Zealand, and that Mr. Massey has accepted the offer of the Committee on behalf of the New Zealand Government.

I have, &c.,
DEVONSHIRE.

61394

No. 86.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th December, 1923.)

(Secret.)

MY LORD DUKE,

Governor-General's Office, Melbourne, 12th November, 1923.

WITH reference to your despatch dated 15th August, 1923, Dominions No. 309, Secret,† covering Memoranda Nos. 508M and 509M, on the subjects of the probable forms of attack to which ports at home and throughout the British Empire may be subjected in war, the forms of defence which would be required to meet such attack, and the probable scales of attack against Dominion and Indian ports, I have the honour to inform Your Grace that I am advised by my Acting Prime Minister that it would be of the greatest assistance to the Commonwealth Government if corresponding statements as to scales of defence were prepared by the Committee of Imperial Defence for the defended ports of Australia.

I have, &c.,
FORSTER,
Governor-General.

19155

No. 87.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 23rd April, 1924.)

(Secret.)

SIR,

Governor-General's Office, Cape Town, 4th April, 1924.

I HAVE the honour to transmit to you herewith, with reference to the Duke of Devonshire's despatch Dominions No. 309, Secret, of the 15th August, 1923,† copy of Minute from Ministers on the subject of the scale of defence necessary for Union ports.

I have, &c.,
ATHLONE,
Governor-General.

* No. 84. † No. 79.

Enclosure in No. 87.

Prime Minister's Office, 2nd April, 1924.

MINUTE No. 234.

WITH reference to His Excellency the Governor-General's Secret Minute No. 1/1366 of the 7th September, 1923, on the subject of coast defence, Ministers have the honour to request His Excellency the Governor-General to inform the Secretary of State for the Colonies that it would be of considerable assistance to the Union Military authorities to receive the suggestions of the Committee of Imperial Defence regarding the scale of defence necessary for Union ports.

J. C. SMUTS.

33801

No. 88.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.30 a.m., 15th July, 1924.)

TELEGRAM.

[Answered by No. 89.]

15TH JULY. Secret. My despatch of 12th November, 1923, Secret.* Ministers asking when statement regarding scale of defence for defended ports of Australia may be expected.—GOVERNOR-GENERAL.

33801

No. 89.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.15 p.m., 9th August, 1924.)

TELEGRAM.

SECRET. Your telegram 15th July,† investigation of scales of defence required for Australian ports is proceeding, but report will not be completed for some months.—SECRETARY OF STATE FOR THE COLONIES.

(vii) Meeting of Flag Officers:

(See pages 13-17 of Dominions No. 82.)

275

No. 90.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 93.]

(Secret (2).)

MY LORD,

Downing Street, 16th January, 1923.

I HAVE the honour to acknowledge the receipt of Your Excellency's telegram of the 9th of November† regarding the proposed conference between the Commanders-in-Chief of the China and East Indies Squadrons, the Flag Officer Commanding Australian Naval Forces, and a representative of the New Zealand Naval Forces.

* No. 86. † No. 88. ‡ No. 22 in Dominions No. 82.

2. The Lords Commissioners of the Admiralty have now suggested that it would be preferable to postpone further consideration of the matter until the Commonwealth and New Zealand Governments have had sufficient time to examine the Memorandum prepared for the Committee of Imperial Defence (No. 176 C.) on the subject of Empire Naval Policy and Co-operation, a copy of which was sent to you under cover of my Secret despatch Dominions No. 431 of the 23rd of December, 1922.* Your Ministers will no doubt concur in the suggestion of the Lords Commissioners, and on this assumption no further action will be taken at the moment in regard to the proposed Conference.

I have, &c.,
DEVONSHIRE.

275

No. 91.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 92.]

(Secret.)

MY LORD, Downing Street, 16th January, 1923.
WITH reference to my predecessor's Secret despatch of the 25th of July, 1922,† I have the honour to request Your Excellency to inform your Ministers that the Governor-General of the Commonwealth of Australia has notified me that, if circumstances permit, his Government would welcome a conference of Flag Officers in the Pacific at Sydney.

2. The Lords Commissioners of the Admiralty have now, however, suggested that it would be preferable to postpone further consideration of the matter until the New Zealand and Commonwealth Governments have had sufficient time to examine the Memorandum prepared for the Committee of Imperial Defence (No. 176 C.) on the subject of Empire Naval Policy and Co-operation, a copy of which was sent to you under cover of my Secret despatch Dominions No. 431 of the 23rd of December, 1922.* Your Ministers will no doubt concur in the suggestion of the Lords Commissioners, and on this assumption no further action will be taken at the moment in regard to the proposed Conference.

I have, &c.,
DEVONSHIRE.

29451

No. 92.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12th June, 1923.)

[Answered by No. 94.]

(Secret (2).)

MY LORD DUKE, Government House, Wellington, 3rd May, 1923.
WITH reference to your Secret despatch of the 16th January,† I have the honour to inform Your Grace that my Ministers advise me that they concur in the postponement of the next conference of Flag Officers, as they do not consider that there is anything to be gained by such a Conference taking place until after the pending Imperial Conference has been held and its decisions have been promulgated.

2. It is with pleasure that Ministers note the statement in Mr. Churchill's Secret despatch of the 25th July last,† that the Lords Commissioners of the Admiralty hope that it may be possible for the Flag Officers' Conference to take place in Australasian waters.

I have, &c.,
JELLICOE,
Governor-General.

* No. 2 in Dominions No. 82. † No. 21 in Dominions No. 82. ‡ No. 91.

38000

No. 93.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 30th July, 1923.)

[Answered by No. 94.]

(Secret.)

MY LORD DUKE,

Governor-General's Office, Melbourne,

16th June, 1923.

WITH reference to Your Grace's despatch dated 16th January, 1923, Secret (2),* regarding the proposed conference between the Commander-in-Chief of the China and East Indies Squadrons, the Flag Officer Commanding Australian Naval Forces, and a representative of the New Zealand Naval Forces, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government concurs in the suggestion of the Lords Commissioners of the Admiralty that further consideration of the matter should be postponed until the Commonwealth and New Zealand Governments have had time to examine the memorandum prepared for the Committee of Imperial Defence (No. 176 C).

I have, &c.,

FORSTER,

Governor-General.

37550

No. 94.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 2.40 p.m., 28th August, 1924.)

TELEGRAM.

[Answered by Nos. 96, 97 and 98.]

(Commonwealth of Australia.)

(New Zealand.)

SECRET. [Your Secret despatch of 16th June, 1923,†] [Your Secret (2) despatch of 3rd May, 1923,‡] Conference of Flag Officers. Your Ministers will no doubt have been able to consider questions arising out of Admiralty memoranda laid before 1923 Imperial Conference, and as there has been no meeting since 1921 Lords Commissioners of Admiralty are anxious that a further meeting of Commanders-in-Chief and Senior Naval Officers, China, East Indies, Australia, and New Zealand Commands, should be held at an early date to proceed with plans for naval co-operation and suggest February, 1925, as suitable. Lords Commissioners of Admiralty, while appreciating your Ministers' desire that next Conference should be held in Australasian waters, consider it important that Conference should take place at Singapore for following reasons:—

(1) Discussion will very largely deal with operations connected with defence of Singapore;

(2) holding of Conference in Australasian waters shortly after decision to defer development of Singapore might give the impression that main strategy of war in Far East has been reversed;

(3) naval concentration in Australasian waters, which serves useful purpose in stimulating local interest in naval affairs, may well be postponed in view of recent visit of Special Service Squadron.

[To Commonwealth only: Admiralty trust that arrangements can be made for both First Naval Member and Commodore Commanding Australian Squadron to attend, as presence of both these Officers essential if full value is to be obtained from Conference. Their Lordships suggest that should Commonwealth Government so desire Rear-Admiral Hall Thompson might hoist his flag on this occasion.]

[To New Zealand only: Admiralty trust that arrangements can be made for Commodore Commanding New Zealand division to attend the Conference.]

Similar telegram is being sent to [New Zealand.] [Commonwealth of Australia.] Should be grateful for telegraphic reply.—SECRETARY OF STATE FOR THE COLONIES.

* No. 90. † No. 93. ‡ No. 92.

37550

No. 95.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Commonwealth of Australia. }
(New Zealand. } Secret.)

MY LORD,

Downing Street, 3rd September, 1924.

IN confirmation of my Secret telegram of the 28th of August,* I have the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of an Admiralty memorandum on the subject of the proposed conference of Commanders-in-Chief and Senior Naval Officers at Singapore in February, 1925.

I have, &c.,

(For the Secretary of State)

HENRY LAMBERT.

Enclosure in No. 95.

MEMORANDUM FOR COMMUNICATION TO [COMMONWEALTH] [NEW ZEALAND]
GOVERNMENT.

SUCCESS in the early stages of war will be dependent to a large extent on the close co-operation of the Naval Forces in the China, East Indies, Australia and New Zealand Commands.

2. The best method of achieving this co-operation can only be arrived at by personal discussion between the Officers concerned, and there has been no conference since the Meeting at Penang in March, 1921. Sufficient time has also now elapsed for full consideration of questions arising out of the Admiralty recommendations for the 1923 Imperial Conference.

3. The Lords Commissioners of the Admiralty attach great importance to an early meeting of the Commanders-in-Chief and Senior Naval Officers concerned in order that plans for the co-operation of the forces in the Far East may be drawn up.

4. The Lords Commissioners are aware that in 1922 the [Commonwealth and New Zealand Governments] [Government of New Zealand] expressed a wish that the next Conference might be held in Australasian waters, but, for the reasons given below, they are of the opinion that it is of great importance that the proposed Conference in February, 1925, should be held at Singapore.

(a) The discussions will very largely deal with operations connected with the defence of Singapore, and consequently it is of importance that the Conference should be held at Singapore.

(b) The holding of the Conference in Australasian waters shortly after the decision to defer the development of Singapore Dockyard might lead uninstructed opinion to imagine, what can never be the case, that the main strategy of a war in the Far East has been reversed.

(c) The concentration at any time of Royal Naval vessels in Australian or New Zealand waters will, it is hoped, serve a useful purpose in stimulating interest in Naval affairs in those countries.

In view, however, of the recent visit of the Special Service Squadron to Australia and New Zealand, it is considered a concentration next year would not have its full effect, whereas in two or three years' time it may be of great value.

[To Commonwealth only: 5. The discussions which take place at the proposed Singapore Conference will deal with questions of major strategy, and the Lords Commissioners are of opinion that the presence of the First Naval Member, as well as that of Commodore Commanding the Australian Squadron, is essential if full value is to be obtained from the Conference. They hope, therefore, that the Commonwealth Government may find it possible to arrange for both these officers to attend.]

The Lords Commissioners of the Admiralty suggest that, should the Commonwealth Government desire, Rear-Admiral Hall Thompson, C.B., C.M.G., First Naval Member, might hoist his flag on this occasion.]

* No. 94.

1924

755

[To New Zealand only: 5. The Lords Commissioners of the Admiralty hope that it may be possible for the Commodore Commanding the New Zealand Division to attend the Conference.]

6. In order that the arrangements for the Conference may be made in good time it is requested that the concurrence or otherwise in these proposals may be telegraphed at an early date.

Admiralty,

August, 1924.

43462

No. 96.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.10 a.m., 12th September, 1924.)

TELEGRAM.

[Answered by No. 99.]

12TH SEPTEMBER. Secret. Your telegram of 28th August.* Commonwealth Government concurs in Conference of Naval Commanders-in-Chief at Singapore.—GOVERNOR-GENERAL.

47485

No. 97.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.47 a.m., 7th October, 1924.)

TELEGRAM.

[Answered by No. 99.]

7TH OCTOBER. Secret. Your telegram of 28th August.* Commonwealth Government agree that both First Naval Member and Commodore Commanding should attend the Singapore Conference, the former hoisting his flag.—GOVERNOR-GENERAL.

48170

No. 98.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.32 a.m., 10th October, 1924.)

TELEGRAM.

[Answered by No. 99.]

10TH OCTOBER. Secret. Your telegram of the 28th August.* Conference of Flag Officers. My Ministers regret exceedingly decision to hold the next Conference of Flag Officers at Singapore instead of in Australian waters, but if decision cannot be altered will arrange for the attendance of Commodore of the New Zealand Squadron at Singapore as requested.

My Ministers are convinced that it is of paramount importance, as pointed out in my Secret despatch of the 18th May, 1922,† that Senior Officers in Pacific waters should acquire first-hand knowledge of conditions in the South Pacific, and they feel that such knowledge can only be obtained by periodical visits to these waters. They would be glad of an assurance that the Conferences following that of February, 1925, will be held as suggested in Australian waters.—JELlicoe.

* No. 94.

† No. 18 in Dominions No. 82.

49718

No. 99.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

TELEGRAM.

(Sent 10.20 a.m., 24th October, 1924.)

(Commonwealth of Australia.)

(New Zealand.)

YOUR telegram(s) [12th September, 7th October,*] [10th October,†] Lords Commissioners of Admiralty desire me to express their appreciation of your Ministers' concurrence in proposal for conference of Flag Officers at Singapore. It is proposed that Conference should commence 23rd February, and it would be convenient if officers taking part could arrive Singapore 21st February.

[To New Zealand only: Further communication will be sent as regards location of succeeding Conference.]—THOMAS.

54364

No. 100.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE ACTING GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 27th November, 1924.

WITH reference to my predecessor's telegram of the 24th of October,‡ regarding the forthcoming Conference of Flag Officers to be held at Singapore, I have the honour to request you to inform your Ministers that the Lords Commissioners of the Admiralty state that when considering the question as to where the 1925 Conference should be held, they had before them the views of the New Zealand Government as expressed in Lord Jellicoe's Secret (2) despatch of the 18th of May, 1922.§ The reasons which influenced their decision to hold the Conference at Singapore instead of in Australian waters were fully expressed in the Memorandum that accompanied my predecessor's Secret despatch of the 3rd of September, 1924.||

2. Their Lordships again desire to express their thanks to your Government for their concurrence in that decision, and they regret that it was not found possible to hold the Conference in Australian waters. They state that they are in complete sympathy with the New Zealand Government as regards the Conference to be held after that in February next. These wishes have been placed on record, and although it will be readily understood that Their Lordships are unable to commit any future Board of Admiralty, they have no reason to anticipate that there will be any difficulty in arranging for the next Conference to be held in Australian waters.

I have, &c.,

L. S. AMERY.

(viii) War Memorandum.

43133

No. 101.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 12th September, 1924.

WITH reference to the late Viscount Harcourt's Secret despatch of the 16th of May, 1913,¶ I have the honour to transmit to Your Excellency, under seal, a copy of a War Memorandum** which has been prepared by the Admiralty, and to

* Nos. 96 and 97. † No. 98. ‡ No. 99. § No. 18 in Dominions No. 82. || No. 95.
¶ No. 24 in Dominions No. 47. ** Not printed.

756

request that it may be handed to the First Naval Member for communication to the Naval Board.

2. I should be glad if the receipt of the Memorandum by the Navy Board may be acknowledged by cypher telegram.*

I have, &c.,
(for the Secretary of State),
ARNOLD.

43133

No. 102.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 12th September, 1924.

I HAVE the honour to transmit to Your Excellency, under seal, a copy of a War Memorandum† which has been prepared by the Admiralty, for use on the occasion of the New Zealand Naval Services being placed under the control of the Board of Admiralty on the outbreak of war; and to request that it may be handed to the New Zealand Naval Board.

2. This method of transmission follows the procedure for the transmission of war orders to the Commonwealth of Australia which was arranged by the Lords Commissioners of the Admiralty, with the concurrence of the Commonwealth Government, in 1913. A copy of the letter from the Admiralty of the 15th of May, 1913,‡ explaining this procedure is enclosed.

3. I should be glad if the receipt of the Memorandum by the New Zealand Naval Board may be acknowledged by cypher telegram.§

I have, &c.,
(for the Secretary of State),
ARNOLD.

B. CANADA.

North America and West Indies Station in time of War.

58530/S

No. 103.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 105.]

(Secret.)

MY LORD,

Downing Street, 15th December, 1923.

I HAVE the honour to request Your Excellency to inform your Ministers that advantage was taken of the recent meeting of the Imperial Conference to discuss at the Admiralty with the Director of the Naval Service of Canada the question of co-ordination of the Imperial and Dominion Forces on the North America and West Indies Station in time of war.

2. I enclose two copies of a memorandum showing the arrangements which were agreed upon with Commodore Hose. I should be glad to know whether your Ministers approve of the arrangements proposed.

3. The memorandum is also being communicated to the Newfoundland Government for consideration.

I have, &c.,
DEVONSHIRE.

* The Governor-General by telegram of the 30th October reported that the memorandum had been handed to the First Naval Member of the Naval Board. † Not printed. ‡ No. 23 in Dominions No. 47. § The Governor-General reported by Secret despatch of the 17th November that the memorandum was duly handed to the New Zealand Naval Board, and its receipt acknowledged by cypher telegram to the Admiralty.

Enclosure in No. 103.

MEMORANDUM.

North America and West Indies Station. Co-ordination of Imperial and Dominion Navies in time of war.

(1) Canada will be responsible for, and will have control of, all local defences and local patrols in the vicinity of the Canadian coast.

This will include any Imperial craft definitely assigned for such work.

(2) The Canadian Naval Board will control all war services operated on shore, e.g., promulgation of navigational warnings relating to Canadian and adjoining waters. The Canadian Naval Board will act in concert with the Admiralty and, as far as local circumstances permit, will adopt procedures and systems which the Admiralty are putting into force in other parts of the world.

(3) As regards the waters contiguous to the coasts of both Canada and Newfoundland, the Admiralty will initiate or advise on, as necessary, questions requiring co-operation of the two Dominion Governments. The Commander-in-Chief, North America and West Indies, may act as the Admiralty representative in such consultations.

(4) The responsibility of the Commander-in-Chief, North America and West Indies, for the seagoing forces on his station will remain unaltered. The Commander-in-Chief, North America and West Indies, will accordingly be kept informed of any details of the local defence or local patrol arrangements which in any way affect the movements or the freedom of action of this force, and will be consulted as to any change of policy as regards such arrangements.

(5) The limits of the North America and West Indies station not to be affected by the foregoing.

(6) All war measures to be concerted between Admiralty and Canadian Naval Authorities, the Newfoundland Government being consulted as necessary. Commander-in-Chief, North America and West Indies, may act as Admiralty representative.

(7) In the organization of convoy work, the responsibility of the local and seagoing forces respectively will be governed on the North America and West Indies station as elsewhere by the following general principles. The word "convoy" includes single vessels under escort of a seagoing war vessel.

- (i) The Ocean Escort is responsible for the safety of the Convoy.
- (ii) The Local Authorities are responsible for the provision of the Local Escort and all necessary information being given to it.
- (iii) The Authorities at the Port of Departure are responsible for informing the Authorities at the Port of Arrival what rendezvous the convoy will make, and when.
- (iv) The Authorities at the Port of Arrival are responsible for the promulgation of navigational warnings, and these may include an alteration in the rendezvous.
- (v) If the Local Escort cannot be at the rendezvous at the time stated, the responsibility for informing the Convoy lies with the local authorities.
- (vi) If the Convoy cannot be at the rendezvous at the time stated, the responsibility for informing the local authorities lies with the Ocean Escort.
- (vii) The Ocean Escort and Local Escort having joined company, the command and responsibility of the whole lies with the Ocean Escort so long as she remains in company, and Local Escort being in its turn responsible for giving the Ocean Escort all necessary information as to dangers, channels to be used, etc.

58530/S

No. 104.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

[Answered by No. 106.]

(Secret.)

SIR,

Downing Street, 15th December, 1923.

I HAVE the honour to transmit to you, for the consideration of your Ministers, two copies of a memorandum* on the subject of co-ordination of the Imperial and Dominion Naval Forces on the North America and West Indies Station in time of war, which has been drawn up at the Admiralty in consultation with the Director of the Naval Service of Canada, who was in London with the Prime Minister of Canada at the time of the recent meeting of the Imperial Conference.

2. I shall be glad to learn whether your Ministers concur in the proposals contained in the memorandum. I understand that the Prime Minister of Newfoundland was consulted at the time when it was prepared, and expressed his general agreement in the suggested arrangements.

3. The memorandum is also being communicated to the Canadian Government for consideration.

I have, &c.,
DEVONSHIRE.

9077

No. 105.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 25th February, 1924.)

(Secret.)

SIR,

Government House, Ottawa, 11th February, 1924.

WITH reference to the Duke of Devonshire's Secret despatch of the 15th December,† on the subject of the co-ordination of the Imperial and Dominion Forces on the North America and West Indies Station in time of war, I have the honour to inform you that my Government approves of the proposals as contained in the memorandum enclosed in the despatch under reference.

I have, &c.,
BYNG OF VIMY.

16747

No. 106.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 8th April, 1924.)

(Secret.)

SIR,

Government House, St. John's, 15th March, 1924.

I HAVE the honour to acknowledge the receipt of your predecessor's Secret despatch of the 15th December last,‡ on the subject of co-ordination of the Imperial and Dominion Naval Forces on the North America and West Indies Station in time of war, and to inform you that my Ministers concur in the proposals contained in the memorandum enclosed in the despatch under reference.

I have, &c.,
W. L. ALLARDYCE.

C. AUSTRALIA.

(i) Construction of Cruisers.

27808

No. 107.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.45 p.m., 11th June, 1924.)

TELEGRAM.

[Answered by No. 108.]

11TH JUNE. Confidential. Following for Prime Minister from my Prime Minister:—

Begins: In connexion with construction of two modern cruisers by Australian Government, I shall be obliged if you will advise me as soon as possible whether your Government is prepared to give effect to arrangements which I arrived at with previous Government and later discussed with present First Lord of the Admiralty, namely, if Australia desired one cruiser be constructed in Britain the British Government would finance and hand over to Commonwealth Government on completion at cost price without any addition for interest on capital during the period of construction.

If your Government is prepared to accept construction this basis, glad to learn also what date delivery of cruiser could be given. Glad early reply as this matter will be considered in Parliament shortly and in course of discussion question as to whether cruisers should be constructed in Australia will be raised. *Ends.*

—GOVERNOR-GENERAL.

27808

No. 108.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.0 p.m., 19th June, 1924.)

TELEGRAM.

19TH JUNE. Confidential. Following for your Prime Minister from Prime Minister:—

Begins: Your message of 11th June* as to financing construction of Australian cruiser came before Cabinet yesterday and was referred to a Cabinet Committee, but you may rest assured that matter will receive immediate and urgent attention.—*Ends.*

—THOMAS.

29368

No. 109.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.20 p.m., 20th June, 1924.)

TELEGRAM.

[Answered by Nos. 110 and 111.]

20TH JUNE. Confidential. Following for Prime Minister from my Prime Minister:—

Begins: My telegram of 11th June.* Question of construction of two cruisers by Australia will be considered by Parliament on Wednesday next.

* No. 107.

As decision whether the cruisers should be built in Australia will be influenced by terms and time in which cruiser could be constructed in the United Kingdom, I should be greatly obliged to receive the information asked for at the earliest possible date. *Ends.*

—FORSTER.

29368

No. 110.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.5 p.m., 23rd June, 1924.)

TELEGRAM.

23RD JUNE. Confidential. Your telegram 20th June.* Cruisers. Please inform Mr. Bruce that meeting of Cabinet Committee referred to in Prime Minister's message of 19th June† unavoidably postponed till Tuesday afternoon. Further telegram will be sent as soon as possible afterwards.—THOMAS.

29368

No. 111.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.25 p.m., 24th June, 1924.)

TELEGRAM.

24TH JUNE. Confidential. Cruisers. Prime Minister is away in Glasgow and has asked me to let your Prime Minister know result of meeting of Cabinet Committee. We went into your Prime Minister's proposal most carefully this afternoon but, after examining as far as we could every aspect of the question, we felt unable to recommend that His Majesty's Government should finance the construction of one of the proposed Australian cruisers. Delay in dealing with matter has been due to the difficulty experienced in reviewing our programme of naval construction as a whole.—THOMAS.

33167

No. 112.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.20 a.m., 12th July, 1924.)

TELEGRAM.

[Answered by No. 113.]

12TH JULY. As debate on construction of cruisers for the Commonwealth will proceed in Parliament next week would be glad if you would kindly telegraph estimate of cost of construction in the United Kingdom of one cruiser and date of delivery and two cruisers and dates of delivery.—GOVERNOR-GENERAL.

33526

No. 113.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.5 p.m., 15th July, 1924.)

TELEGRAM.

[Answered by No. 114.]

Your telegram 12th July.‡ Estimated cost of each cruiser £2,200,000 including cost of armament and ammunition. Period of construction approximately three-and-one-half years.—THOMAS.

* No. 109. † No. 108. ‡ No. 112.

34468

No. 114.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.45 p.m., 20th July, 1924.)

TELEGRAM.

[Answered by No. 115.]

20TH JULY. Following from my Prime Minister:—

Begins: Your telegram 15th July*. Cruisers. Cannot understand information supplied *re* cost and time of delivery in view of estimate given to me while in Britain and on which I have based my statement to the Cabinet and Parliament. The then Minister and expert informed me in London cost of cruiser would be £2,000,000 or less, and time of delivery approximately two years. The increased cost is substantial and it is difficult to understand what has transpired since my visit to necessitate such a drastic alteration of estimate. This increase in cost is extremely serious but even more so is the greatly extended time of delivery which completely upset all our calculations which were based on urgency of the situation and necessity for replacing obsolete cruisers at once. The information now contained in your telegram necessarily compels a reconsideration of the whole question from the standpoint of both finance and defence. Before taking action in this direction I shall be obliged if you will look into the question further with a view to delivery more in accordance with the information supplied to me while in Britain. Please reply urgently. *Ends.*

—FORSTER.

34468

No. 115.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.10 p.m., 26th July, 1924.)

TELEGRAM.

FOLLOWING for your Prime Minister from First Lord of Admiralty:—

Begins: Your telegram 20th July.† I much regret that there should have been any misunderstanding when discussing prices with you. The cost of a cruiser was invariably quoted at approximately £2,000,000 and this was the figure you mentioned when you considered the financial aspect of this question with me on 25th January, 1924.

It is understood that at a meeting in the then First Lord's room on Saturday, 19th November, 1923, it was then thought that the price might work out at £1,900,000, spread over four years, owing to an anticipated fall in the price of material and labour.

We have now definite data to work on regarding price, and in view of the rise in the price of labour, especially as regards shipyard workers, it is now considered safer to quote the figure of £2,200,000. Should the cost of labour fall, it will naturally have a direct bearing on this figure.

As regards the duration of time for building, the period has invariably been quoted as approximately three-and-a-half years. It is possible that you may have in mind the time for completing the first gun mounting, which is now in hand. This mounting is of an entirely new design and will probably take two years to complete, after which repetition will follow at close intervals.

In C.I.D. Paper 195-C "Empire Naval Policy and Co-operation" reference is made to the replacement of "Melbourne," "Sydney," "Brisbane" and "Adelaide," and in each case the date for laying down a replacement vessel is given as four years in advance of the year in which the above-named cruisers are respectively due for replacement. In other words, it was considered that the period for building would approximately be three-and-a-half (3½) years with four annual payments. *Ends.*

—THOMAS.

* No. 113. † No. 114.

43316

No. 116.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.30 p.m., 10th September, 1924.)

TELEGRAM.

[Answered by No. 117.]

10TH SEPTEMBER. Secret. Following from my Prime Minister:—

Begins: Government as you know has lately given consideration to the question of constructing two modern 10,000-ton cruisers for delivery as early as possible. It is proposed to invite tenders from shipbuilders in Great Britain, in three separate ways, namely (i) for construction of one cruiser in Great Britain, (ii) for construction of two cruisers in Great Britain, (iii) for construction of one cruiser in Britain and one in Australia by British firm. It is further proposed to invite local tenders for construction one cruiser in Australia. The Government will then decide whether one or both cruisers will be ordered in Britain.

When tenders were called for construction of "Melbourne" and "Sydney" the Admiralty invited tenders and acted on behalf of the Commonwealth Government. While such procedure would suggest itself as being the simplest in the present instance the question of cruiser construction has become acutely political, and the Government in the circumstances consider it desirable that the High Commissioner for Australia should invite tenders on behalf of the Commonwealth Government. There are several difficulties which immediately suggest themselves, and we realize that this course can only be followed if we receive the fullest co-operation of your Admiralty experts. This we most earnestly request.

With regard to tenders in Australia these will of course be called by our Naval Board, who will have charge of, and arrange for, necessary inspection of plans, etc., locally.

My Government would be glad if your Government could make available to our High Commissioner such plans and specifications of the latest type of 10,000-ton cruiser as are necessary for the purpose of calling tenders in London and also as in the case of "Brisbane" for despatch to Australia of the necessary duplicate set or sets for the purpose of calling tenders here.

We would appreciate also any assistance the Admiralty could give the High Commissioner with regard to the calling of tenders, answering technical questions, inspection of plans and final review of tenders when received. On receipt of your reply the High Commissioner will be instructed to get into touch with your Admiralty Authorities to consult them as to the best procedure to be followed.

We are anxious that tenders shall be invited in Great Britain at once, and that plans and specifications for use at this end should be sent to Australia without delay. Needless to say that every reasonable precaution will be taken by the Naval Board here and by the High Commissioner in London that you may suggest for maintenance of secrecy.

Your urgent co-operation in this matter will be very greatly appreciated. *Ends.*

—GOVERNOR-GENERAL.

43994

No. 117.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.45 p.m., 17th September, 1924.)

TELEGRAM.

[Answered by No. 118.]

SECRET. Your telegram 10th September.* Following for your Prime Minister:—

* No. 116.

Begins: First Lord of the Admiralty wishes me to inform you that Admiralty will without delay do everything possible to assist High Commissioner and Naval Board in arrangements for inviting tenders for cruisers and that preliminary discussion has already taken place with representatives of High Commissioner in London. You will understand, however, that drawings, etc., for transmission to Australia will have to be prepared and that this may take a few weeks. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

45646

No. 118.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.40 a.m., 26th September, 1924.)

TELEGRAM.

26TH SEPTEMBER. Your telegram 17th September.* Secret. Tenders for cruisers. Ministers greatly appreciate co-operation of His Majesty's Government and would be glad to receive sufficient plans and specifications to meet the requirements of prospective tenderers in Australia.—GOVERNOR-GENERAL.

(ii) Construction of Submarines.

49538

No. 119.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.50 a.m., 20th October, 1924.)

TELEGRAM.

[Answered by No. 120.]

20TH OCTOBER. Commonwealth Government has decided to proceed with the construction of two cruiser submarines included in the defence programme discussed with the Admiralty and recently announced in Parliament. It is proposed that tenders shall be called immediately in Great Britain for the building of these two vessels. Commonwealth Government would be greatly obliged if you, in conjunction with the High Commissioner as in the case of the cruisers, could arrange this to be done without delay, and would highly appreciate your making the plans and specifications available to enable this to be done. High Commissioner being instructed to get in touch with you.—GOVERNOR-GENERAL.

50663

No. 120.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.50 p.m., 27th October, 1924.)

TELEGRAM.

[Answered by No. 121.]

Your telegram 20th October.† Cruiser submarines. Lords Commissioners of Admiralty will be pleased to afford Commonwealth Government all possible assistance, and have communicated with High Commissioner.—THOMAS.

* No. 117. † No. 119.

51616

No. 121.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.35 a.m., 3rd November, 1924.)

TELEGRAM.

3RD NOVEMBER. Secret. Your telegram of 27th October.* Ministers think term cruiser submarines used in error may have caused misunderstanding. Vessels should have been designated ocean-going submarines of latest (group omitted) and are those discussed at the Imperial Conference of 1923, estimated at that time to cost £350,000.—GOVERNOR-GENERAL.

(iii) Interchange of Cruisers.

39112

No. 122.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.25 a.m., 16th August, 1924.)

TELEGRAM.

[Answered by Nos. 123 and 124.]

16TH AUGUST. Confidential. Reference to proposed interchange of Royal Navy and Royal Australian Navy Light Cruisers, Australian Government is anxious to initiate this as early as possible on general lines of programme outlined by the Chief of Naval Staff, Admiralty, 5th December, 1923. Non-delivery of boiler plates for His Majesty's Australian Ship "Sydney," grounding of His Majesty's Australian Ship "Brisbane," necessitating about six weeks in dock after Southern latitude trial completed, and the absence of His Majesty's Australian Ship "Adelaide," make it impossible for the Royal Australian Navy cruiser to leave Australia before towards the end of December. In view of the anticipated benefit, and to avoid a further year's delay, can Royal Navy light cruiser sail with His Majesty's Australia Ship "Adelaide" leaving United Kingdom about 1st November, if not, glad to learn earliest date she could arrive in Australia.—GOVERNOR-GENERAL.

40976

No. 123.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.45 p.m., 30th August, 1924.)

TELEGRAM.

[Answered by No. 125.]

SECRET. Your telegram 16th August,† interchange of light cruisers. H.M.S. "Concord" will rendezvous with H.M.A.S. "Adelaide" at Malta middle of November and proceed in company with her to Australia.

As regards reciprocal visit of Australian light cruiser, Admiralty attach prior importance to proposal set out in by telegram 28th August, Secret,‡ for conference of Commanders-in-Chief to take place at Singapore in February, 1925. Adoption of this proposal would presumably necessitate Australian light cruiser proceeding

* No. 120. † No. 122. ‡ No. 94.

to Singapore. Admiralty recognize that in the circumstances it might not be considered practicable for a Royal Australian Navy ship to visit European waters in the spring of 1925. In that case it is suggested as an alternative that the Royal Australian Navy ship attending the Conference might remain for exercises with China or East Indies Squadron. Admiralty would, however, be glad if your Government find it possible to send a vessel both to Singapore and to Europe.—
SECRETARY OF STATE FOR THE COLONIES.

40976

No. 124.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 1st September, 1924.

WITH reference to Your Excellency's telegram of the 16th of August,* I have the honour to transmit to you, for the consideration of your Ministers, a copy of an Admiralty Memorandum on the interchange of light cruisers between the Royal Navy and the Royal Australian Navy.

2. The Lords Commissioners of the Admiralty suggest that, if your Ministers concur, the routine for the Australian cruisers outlined in the programme should commence in the autumn of 1925. As stated in my Secret telegram of 30th August,† H.M.S. "Concord" will in the meanwhile rendezvous with H.M.A.S. "Adelaide" at Malta in the middle of November, 1924, and will proceed in company with her to Australia.

3. In regard to the reciprocal visit of a vessel of the Royal Australian Navy, the Lords Commissioners much regret that the prior importance attached to the Conference at Singapore has compelled them to make proposals which may prevent the Commonwealth Government from being able to sanction the absence of another cruiser from Australian waters for the purpose of visiting European waters in the spring of 1925.

4. Should, however, the Commonwealth Government find it possible to send a vessel of the Royal Australian Navy both to Singapore and to European waters the Lords Commissioners will welcome such an arrangement.

I have, &c.,

(for the Secretary of State).

ARNOLD.

[40975]

Enclosure in No. 124.

MEMORANDUM ON INTERCHANGE OF ROYAL NAVY AND ROYAL AUSTRALIAN NAVY LIGHT CRUISERS.

In the papers (C.I.D. 194-C and C.I.D. 195-C) prepared for the Imperial Conference, the Admiralty recommended that an interchange should take place between ships of the Royal Navy and Royal Australian Navy. The Scheme was approved in principle by Mr. Bruce at the Imperial Conference.

2. The advantages of such an interchange are given in the above-mentioned papers, but, in addition, it must be remembered that, as in the future an increasing proportion of the One-Power Standard of Naval strength for the Empire may be provided by the Dominions, it is essential that the co-operation between the ships of the Royal Navy and those of the Dominion Navies should be as perfect as if all the ships belonged to one Service.

This can only be achieved if the ships of the Royal Navy and Dominion Navies frequently work together.

3. If the best results are to be achieved, it is essential that the interchange should take place each year and at such a time as to gain the maximum benefit.

* No. 122. † No. 123.

4. As the result of discussions which took place between the British and Australian Naval Staffs at the time of the Imperial Conference, the following proposals are put forward for the consideration of the Commonwealth Government:—

(a) One Light Cruiser of the Royal Navy and one Light Cruiser of the Royal Australian Navy to exchange stations annually. Thus ships of the Royal Navy and Royal Australian Navy would be working together almost continuously both in European and in Australian waters.

(b) The programme for the Royal Australian Navy Light Cruiser to be so arranged that she can take part in the Fleet Exercises which are carried out in the spring, a visit being paid to England subsequently.

(c) Both the Royal Navy and Royal Australian Navy Light Cruisers to be refitted just before leaving.

(d) The Royal Navy Light Cruiser to be oil-burning and of such endurance as will enable her to cruise with the Royal Australian Navy Light Cruisers.

(e) *Approximate Programme for Royal Navy Light Cruisers.*

Leave Mediterranean: 15th November.

Arrive Australia: 1st January.

Leave Australia: 1st July.

(f) *Approximate Programme for Royal Australian Navy Light Cruiser.*

Leave Australia: 15th November.

Arrive Mediterranean: 1st January.

Join up with Mediterranean Fleet, take part in Spring Fleet Exercises, and then visit England.

Leave Mediterranean: 1st July.

47486

No. 125.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.53 a.m., 7th October, 1924.)

TELEGRAM.

7TH OCTOBER. Secret. Your telegram of 30th August.* Commonwealth Government will send the light cruisers "Sydney" and "Brisbane" to the Singapore Conference. Latter, with the concurrence of the Admiralty, will subsequently join the China Squadron for about four to six months, actual date being settled after discussion with the Commander-in-Chief, China. Commonwealth Government suggest that to effect economy the "Adelaide" and "Concord" should proceed to Singapore direct in time to join the Australian Flag at the time of the Conference, and ask that the Admiralty may employ these two vessels as thought best in the meantime. It will not be possible to send a vessel to Europe as well as to the China Squadron.—GOVERNOR-GENERAL.

(iv) Interchangeability of Officers.

27564

No. 126.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 127.]

(No. 266.)

MY LORD,

Downing Street, 25th July, 1924.

I HAVE the honour to request Your Excellency to inform your Ministers that the Lords Commissioners of the Admiralty state that, arising out of the subjects

* No. 123.

brought forward for discussion at the Imperial Conference in October last, an exchange of views has taken place between the Admiralty and the Commonwealth Naval Board regarding the future policy to be adopted for the common training and interchangeability of officers of the Royal Navy and Royal Australian Navy.

2. The matter was first brought before the Board of Admiralty by the late First Naval Member of the Commonwealth Naval Board, with the approval of the Prime Minister of Australia, in an Australian Naval Staff paper, a copy of the relevant portion of which is attached,* and the views of the Admiralty, as communicated to the Naval Board, are shown in the memorandum* enclosed in this despatch. It will be seen that the policy proposed follows that laid down by the Imperial Conference of 1911, the matters now discussed being the method of carrying out that policy in detail.

3. The Commonwealth Naval Board have now notified the Admiralty that the arrangements for the interchange of officers are concurred in generally, subject to further consideration regarding a general list for executive officers and their promotion and the procedure for financial adjustments, and they inquire whether any objection is seen to the Naval Board publishing the main lines of the arrangements for interchange so far agreed upon.

4. The Lords Commissioners of the Admiralty concur in the proposal of the Commonwealth Naval Board to publish the main lines of the arrangements.

I have, &c.,

J. H. THOMAS.

59147

No. 127.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.6 p.m., 17th December, 1924.)

TELEGRAM.

17TH DECEMBER. My Ministers concur generally in proposal relative to the interchange of Naval Officers contained in your despatch 25th July, No. 266,† subject to further consideration regarding common seniority list for executive officers and their promotion procedure for final adjustment.

D. NEW ZEALAND.

(i) New Zealand Naval Policy.

(See pages 21-27 of Dominions No. 82.)

2191

No. 128.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.45 a.m., 15th January, 1923.)

TELEGRAM.

[Answered by No. 129.]

Your telegram 22nd December.‡ Admiralty agree to lend 200 officers and men for three years provided similar number those now on loan are returned to Royal Navy. Immediate steps will be taken to obtain volunteers as soon as detailed lists actual numbers of the ranks and ratings required are received.—DEVONSHIRE.

* Not printed here. † No. 126. ‡ No. 46 in Dominions No. 82.

4679

No. 129.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.32 a.m., 26th January, 1923.)

TELEGRAM.

[Answered by No. 131.]

26TH JANUARY. Your telegram 15th January* relative to loan of officers and men from Royal Navy, there appears to be some misunderstanding. My Ministers represent that 400 men who originally left England in the "Chatham" were, at Admiralty request, in two categories, namely, men on loan for three years, and men who left Royal Navy permanently and joined New Zealand Division for three years. There are about 300 in the latter category, most of whom are taking their discharge in October next, and the remainder have volunteered for further service. Of the 90 odd men now on loan, several have Admiralty permission to complete time for pension or serve for the fourth year in the New Zealand Naval Forces. There are only about 35 of these men to be returned to Royal Navy in 1923, and about the same number in 1924. About 263 of all ranks and ratings are required to be lent in 1923. It is exactly two years since "Chatham" arrived and less since the Training Ship started, and therefore obvious that for new commissions, and, indeed, for some years, New Zealand can only supply young seamen and stokers, and, all other ranks and ratings must be lent without similar return. If the Admiralty cannot supply men on loan in June, the development of New Zealand naval policy will be entirely dislocated, training cease, and both ships will be laid up at heavy expense owing to the large number of young men borne. As nominal lists are not due in England till end of February, and first drafts should leave for New Zealand eleven weeks later, it is requested that volunteers be called for now. My Ministers suggest that services of Captain Prickett on passage home in "Ionic" be made use of on arrival to facilitate matters, as he is fully cognizant of the situation which is brought about by having men in two categories and which was foreseen at original discussion at Admiralty early in 1920.—JELICOE.

7191

No. 130.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.21 a.m., 9th February, 1923.)

TELEGRAM.

(Paraphrase.)

9TH FEBRUARY. My telegram 22nd December.† Ministers would like to suggest that if agreeable and in no way inconvenient to the Admiralty the appointment as Commodore commanding the New Zealand Division in relief of Commodore Hotham may be offered to one of the following officers, who would have a reasonable chance of remaining in New Zealand for three years, a point to which my Ministers attach importance:—Captains Preston, Longden, Hope, Collard, Stirling.—JELICOE.

7805

No. 131.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.50 p.m., 19th February, 1923.)

TELEGRAM.

[Answered by No. 132.]

Your telegram 26th January.‡ Admiralty are prepared to do all possible to provide officers and men required. If numbers, substantive and non-substantive

* No. 128. † No. 46 in Dominions No. 82. ‡ No. 129.

ratings desired can be telegraphed, immediate steps will be taken to call for volunteers for loan to New Zealand Division for three years. If your Government require any men for permanent transfer, Admiralty suggest possible to recruit good type recently discharged officers and ratings in this country on engagements long enough to cover period until New Zealand trained men are available.—DEVONSHIRE.

10148

No. 132.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.42 a.m., 26th February, 1923.)

TELEGRAM.

26TH FEBRUARY. My Ministers desire to thank the Admiralty for the promise conveyed in your telegram of 19th February,* and hope that all ranks and ratings asked for may be obtained on loan from the Royal Navy, as recruitment of discharged ratings not considered to be in the best interests of the Service. My Government are strongly against the employment of retired officers, as stated in my telegram of 30th September last.† Lists shewing ranks and ratings substantive and non-substantive required were posted by mail of 16th January; due at London 20th February; addressed to Secretary, Admiralty. My Ministers hope that immediate action thereon may be taken as first contingent of the selected ranks and ratings will be required to leave England not later than the middle of May. Request that the following reduction be made in the lists of ratings required by the 30th June:—3 leading seamen, 1 able seaman, gunlayer, 2nd class.—JELICOE.

10809

No. 133.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 136.]

(Secret (2).)

MY LORD,

Downing Street, 9th March, 1923.

WITH reference to my despatch Dominions No. 431, Secret, of the 23rd of December,‡ forwarding a copy of a Secret memorandum prepared for the Committee of Imperial Defence, No. 176 C, on the subject of Empire naval policy and co-operation, I have the honour to inform Your Excellency that the Lords Commissioners of the Admiralty desire that the particular attention of your Ministers should be invited to paragraphs 28, 32 and 38 of that memorandum, which deal with the provision of Oil Fuel Reserves for the use of His Majesty's ships.

2. The Lords Commissioners observe that the question of the provision of a small reserve of Government oil fuel in New Zealand is closely linked up with that of the employment of an oil-burning light cruiser in the New Zealand Division of the Royal Navy. Your Ministers will recollect that this matter formed the subject of telegraphic correspondence between my predecessor and yourself during 1922, and that it is hoped that such a vessel may be available after the middle of 1924.

3. It is considered most impolitic to allow the mobility of any unit to depend solely upon the availability of supplies of fuel from any commercial firm, however reliable, for the following reasons:—

(a) Such a practice is unlikely to effect economy.

(b) The grade of oil usually maintained by oil companies is inferior to that required by His Majesty's ships.

(c) Commercial stocks are regulated with a view to rapid turnover without consideration of locking up any reserves against war or other emergency.

* No. 131. † 48029/22: not printed; it stated that New Zealand Government rejected the policy of employing retired officers as not being in best interests of New Zealand Division of Royal Navy from point of view of present efficiency and future developments, and asked that reliefs for officers retiring might be arranged forthwith. ‡ No. 2 in Dominions No. 82.

(d) Having regard to the small stocks maintained it is quite possible that, unless Government stocks are held, an accident to an important oiler may seriously interfere with supplies at a critical moment.

4. For the above reasons the Admiralty regard the establishment in New Zealand of a Government oil fuel reserve as an urgent need, and, until there is a reasonable likelihood of such a reserve being guaranteed, it is considered somewhat hazardous, on grounds of naval policy, to send an oil-burning cruiser to South Pacific waters, since the provision of attendant oil-tankers can in no way be regarded as a substitute for reserves ashore.

5. In view of the above considerations, His Majesty's Government hope that the financial circumstances of the Dominion will be such as to enable your Ministers to make provision in the Estimates for 1923-24 for a Government oil fuel reserve for Naval purposes.

I have, &c.,
DEVONSHIRE.

10809

No. 134.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.35 p.m., 10th March, 1923.)

TELEGRAM.

[Answered by No. 135.]

(Paraphrase.)

10TH MARCH. Naval policy. Referring to my telegram 12th July,* please see paragraphs 28, 32 and 38 of memorandum enclosed with my Secret despatch of the 23rd December.† Following is summary of my Secret despatch of 9th March‡:—

For several reasons Admiralty consider it to be most impolitic to allow the mobility of the relief cruiser to depend upon commercial oil fuel supplies, however reliable they may be, also that oil tankers cannot be regarded as substitute for reserves ashore and that, unless there is some prospect of reserves ashore, it might be somewhat hazardous to send oil-burning cruiser to South Pacific. His Majesty's Government hope that your Ministers may be able to make provision in 1923/24 Estimates for Government oil fuel reserve in view of above reasons.

—DEVONSHIRE.

23292

No. 135.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.30 a.m., 7th May, 1923.)

TELEGRAM.

(Paraphrase.)

7TH MAY. Oil fuel reserve. With reference to your telegram of 10th March,§ my Prime Minister advises me that the erection of an oil tank at Auckland is being provided for in the Estimates.—JELICOE.

31678

No. 136.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 25th June, 1923.)

[Answered by No. 138.]

(Secret.)

MY LORD DUKE,

Wellington, 17th May, 1923.

WITH reference to your Secret despatch (2) of the 9th March,‡ I have the honour to inform Your Grace that my Ministers appreciate the importance of

* No. 35 in Dominions No. 82. † No. 2 in Dominions No. 82. ‡ No. 133. § No. 134.

provision being made for the supply of oil fuel independent of commercial stocks before an oil-burning light cruiser is sent to New Zealand waters and, as stated in my telegram of the 7th May,* provision is being made in the current year's Estimates for the erection of an oil tank at Devonport, Auckland.

2. The present proposal is to erect a 5,000 ton tank on a portion of the Auckland Harbour Board's property in the vicinity of Calliope Dock, to which the Board have signified their approval, and to consider, possibly next year, the erection of a further tank of like capacity, to complete to the reserve of 10,000 tons which the Admiralty have recommended. A further site can be found at Devonport for the second tank if it be decided to erect there in preference to another port.

3. My Ministers would now greatly appreciate a definite statement by the Lords Commissioners of the Admiralty in regard to the replacement of H.M.S. "Chatham" by an oil-burning cruiser, with more exact information as to the date such vessel will be available. Up to the present, they have only received the statement in your telegram of the 12th July, 1922,† that the Admiralty hoped to be able to arrange this in due course, but did not then anticipate that a cruiser would be available until the middle of 1924 at the earliest. In regard to this question, my Ministers advise me that all arrangements for recruiting, for the relief of ratings on loan from the Royal Navy, and in many other directions, have been based on the hope that the oil-burning light cruiser, and her attendant oil-tanker, will be ready to commission not later than August, 1924, and they trust that the Admiralty will shortly be able to give a definite assurance that this will be the case.

I have, &c.,
JELLICOE,
Governor-General.

33488

No. 137.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2.34 p.m., 4th July, 1923.)

TELEGRAM.

(Extract.)

4TH JULY. Following are remarks on Naval Defence in Budget statement delivered by Prime Minister to Parliament, 3rd July:—

Begins: The time has arrived when we shall participate to a greater extent in the naval defence of the Empire and assume a share of the burden which it entails. I propose, therefore, to ask Honourable Members this year to increase the total appropriation for naval defence to £500,000. This amount will include working (?) expenses (?) provided for within the vote and a sum not exceeding £100,000 as a contribution towards the cost of establishing a naval base at Singapore. This base will be of more value to Australia and New Zealand than to any other British country in the Pacific.

The "Chatham" will in the near future be exchanged for an up-to-date oil-burning light cruiser.

The Admiralty have emphasized necessity for provision for oil fuel reserves in Dominion—independent of commercial stocks which moreover are practically non-existent at the moment—before oil-burning cruisers are sent to South Pacific. An item therefore has been placed on estimate(s) for erection of a 5,000-ton oil tank at Devonport, as Auckland has proved to be eminently suitable as a repairing and storing base for a small squadron.

Item appears in estimate(s) for effecting certain necessary improvements in facilities afforded by repair base at Auckland and of establishment there. A further item of £5,000 has been inserted with a view of relieving British Government of subsidy which they have been paying continuously since 1909 under agreement with the Auckland Harbour Board for payment of £150,000

* No. 135. † No. 35 in Dominions No. 82.

over a period of 30 years, as under that agreement New Zealand now derives greatest benefits in docking and repair(s) of naval vessels.

I may add that the Imperial naval authorities prefer the system of local expenditure in operation in New Zealand to any direct contribution and even with regard to cash contribution(s) towards the cost of a naval base at Singapore may prefer difference(?) between current expenditure and proposed total of appropriation of £500,000 should be used for strengthening the defence of our ports. *Ends.*

Expenditure for the year ending 31st March, 1923, was £293,000, including annual interest payment in respect of His Majesty's Ship "New Zealand."

Excluding any contribution(s) to Singapore estimated expenditure for the year ending 31st March, 1924, is £339,000 to which has to be added annual payment(s) for interest, etc., in respect of His Majesty's Ship "New Zealand."

—GOVERNOR-GENERAL.

38484

No. 138.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.45 p.m., 4th August, 1923.)

TELEGRAM.

[Answered by No. 139.]

Your Secret despatch 17th May.* Lords Commissioners of Admiralty much appreciate steps being taken by your Government for provision oil fuel reserves. Admiralty can now offer one D class light cruiser not later than August, 1924, and second vessel of same type in 1925, if required by your Ministers. In latter connexion, see Imperial Conference Paper E. 59 sent with my Secret Note of 25th June.† Vessels would be on loan, and would revert to Royal Navy on completion of New Zealand service. New Zealand Government to be liable for cost of (1) all work and alterations necessary in view of special requirements of service on New Zealand station. Estimate of cost worked out for one particular ship of the class is £13,000. (2) Whole maintenance from date of commissioning at port in United Kingdom for service under New Zealand Government including expense of fuel and stores required for voyage from England. (3) Manning the vessels. Suitable oiler will be available for sale or charter in August, 1924, net cost of charter about £6,500 per annum, your Government providing crew and stores.—DEVONSHIRE.

43161

No. 139.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.0 a.m., 30th August, 1923.)

TELEGRAM.

30TH AUGUST. Secret. New Zealand naval policy. Question of light cruisers referred to in your telegram of 4th August,† will be discussed by my Prime Minister during his visit to England.—JELLICOE.

* No. 136. † 30021/23: not printed; it enclosed certain memoranda prepared for discussion at the Imperial Conference, 1923. ‡ No. 138.

48354

No. 140.

NEW ZEALAND.

MR. E. MARSH (COLONIAL OFFICE) to MR. W. F. MASSEY (PRIME MINISTER).

[Answered by No. 141.]

DEAR MR. MASSEY,

Downing Street, 2nd October, 1923.

LORD JELlicoe telegraphed on 30th August* that you would discuss during your visit in England the question of the light cruisers which the Admiralty proposed to lend to New Zealand. We should be very glad if, in advance of the general discussion as to naval co-operation, you could say whether you wish to accept the loan of the oil-burning cruiser "Dunedin" to replace the "Chatham" next year, as, if so, it would help the Admiralty's refitting programme to take her alterations in hand immediately.

The "Dunedin" is the particular ship of the D class referred to in our telegram of 4th August,† of which I enclose a copy.

Yours, &c.,

E. MARSH.

48354

No. 141.

NEW ZEALAND.

MR. W. F. MASSEY (PRIME MINISTER) to MR. E. MARSH (COLONIAL OFFICE).

(Received 5th October, 1923.)

[Answered by No. 142.]

DEAR MR. MARSH,

Prime Minister's Office, Hotel Cecil, 4th October, 1923.

I HAVE received your letter of the 2nd instant‡ with reference to the question of light cruisers which the Admiralty propose to lend to New Zealand.

In reply to the query in your letter, will the Secretary of State kindly cause the Admiralty to be informed that the New Zealand Government is prepared to take the oil-burning cruiser "Dunedin" in exchange for H.M.S. "Chatham" at any date suitable to the Admiralty. If this date is earlier than August next, it is presumed the suitable oiler will be available at the same time as the exchange of cruisers takes place.

Yours, &c.,

W. F. MASSEY.

55176

No. 142.

NEW ZEALAND.

MR. E. MARSH (COLONIAL OFFICE) to MR. W. F. MASSEY (PRIME MINISTER).

[Answered by No. 143.]

DEAR MR. MASSEY,

Downing Street, 23rd November, 1923.

IN your letter of the 4th of October,§ you inquired as to the position regarding the Oiler which is wanted by the New Zealand Government to work with H.M.S. "Dunedin."

The Duke of Devonshire has now heard from the Admiralty that they could let New Zealand have the Oiler "Dredgol" at an annual charge of £6,500, which represents the rate for chartering a similar vessel on a "bare bottom" (i.e., net) basis.

This vessel was constructed in 1918 and is a twin-screw steamer classified "100 A 1" in Lloyd's Register; she is 326 feet in length and has a loaded draught of 22 feet 3 inches. She is a coal burner with bunker capacity of 350 tons, and her present cargo capacity is 4,000 tons.

* No. 139. † No. 138. ‡ No. 140. § No. 141.

765

The Admiralty understand that you would require her to have an endurance of 4,000 miles at nine knots, and for this purpose it would be necessary to carry an additional 450 tons of bunkers. This could be provided by using the after oil fuel tank and fitting watertight doors in the bulkhead. This alteration would not impair the vessel's classification, and the work could be carried out in three weeks at an estimated cost of £295, which the New Zealand Government would be asked to meet. The alteration would, however, reduce the oil fuel carrying capacity to about 3,000 tons.

The "Dredgol" is at present at Hongkong, and the Admiralty state that the annual cost of wages and victualling for the ship (with Royal Fleet Auxiliary Officers and a Chinese crew) amounts to £5,000 approximately. The charges for repairs and stores may also be expected to reach a similar figure.

The Admiralty propose that the ship shall assist in fuelling H.M. vessels taking part in the forthcoming world cruise, and with this object in view, she would leave Hongkong in time to arrive at Singapore about the beginning of February; subsequently, she would proceed to Fiji, arriving there by the middle of May, and after discharging part of her cargo to H.M. ships, and refilling if necessary, she would proceed to any port which the New Zealand Government might select as suitable for effecting the transfer. From the date of transfer the New Zealand Government would be responsible for the ship's upkeep, repairs and manning, including the retention of her present classification in Lloyd's Register.

The vessel would be docked and would have all outstanding repairs completed prior to leaving Hongkong. She would also be completed with stores and would bring with her all available spare gear, and a complete outfit of hoses, adaptors, etc.

A full complement of Mercantile Marine Officers, drawn from the General List of Royal Fleet Auxiliary Officers manning the Admiralty Oilers, and a Chinese crew would be provided by the Admiralty for the vessel's passage to New Zealand. Should you wish to keep on all or any of this crew, they would be available for loan to the New Zealand Government on the terms set out in the attached note* for the remaining period of their agreements (approximately 2 years) and for further periods beyond that if they were willing to serve.

If you decide to take the ship, perhaps you could let me know whether you will want any of the crew, and whether the increased bunker capacity should be arranged. Other details of the transfer could no doubt best be arranged direct between the Admiralty and the New Zealand Naval Board.

The Secretary of State would be grateful for an early expression of your wishes in this matter, since, if you require this Oiler, the Admiralty are anxious to carry out the alterations and to make other necessary arrangements immediately.

Yours, &c.,

E. MARSH.

58306

No. 143.

NEW ZEALAND.

MR. W. F. MASSEY (PRIME MINISTER) to MR. E. MARSH (COLONIAL OFFICE).

DEAR MR. MARSH,

Prime Minister's Office, Hotel Cecil, 27th November, 1923.

IN reply to your letter of the 23rd instant,† concerning the Oiler "Dredgol," I shall be glad if the Admiralty may be informed as follows:—

1. It is necessary that the endurance of the "Dredgol" be increased to 4,000 miles at nine knots, and it is requested that the alterations to effect this, as set forth in your letter, be put in hand forthwith, and made a charge against the New Zealand Government.

2. There is no objection to the arrangements concerning transfer of the Oiler to the New Zealand Government at a port in New Zealand; further details as to the port, and whether a further oil cargo for New Zealand is required or not, can be arranged later as suggested in your letter.

3. It is considered that the crew which will bring the Oiler to New Zealand are likely to be required for the full term of their agreement, but it is inexpedient to confirm this until after consultation with the New Zealand Naval Board.

Yours, &c.,

W. F. MASSEY.

* Not printed. † No. 142.

61911

No. 144.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.40 p.m., 9th January, 1924.)

TELEGRAM.

[Answered by No. 146.]

Your telegram 30th August,* my telegram 4th August,† paragraph 3, Oiler. Arrangement made with Mr. Massey while here for loan of Oiler "Dredgol" at annual charge of £6,500. Vessel to be altered to have endurance of 4,000 miles at nine knots, cost of alterations estimated at £295 to be charged against New Zealand. Cost of wages and victualling of ship about £5,000 annually; charges for repairs and stores similar sum. Proposed that vessel should proceed to Fiji about May and after discharging part of cargo there in refuelling ships of Special Service Squadron should be at disposal of New Zealand Government. Ship would be manned with Royal Fleet Auxiliary Officers and Chinese crew, who would be available on loan to New Zealand Government for remainder of their agreements of approximately two years, and for extension if so arranged. It was agreed that details of transfer should be arranged direct.

Admiralty now state that owing to technical difficulties vessel named will not be available, but propose after consultation with Hotham to substitute "Nucula," which is larger vessel, capacity of 6,000 tons oil fuel and will not require alterations as set out above. Annual charge will be the same; arrangements as to transfer crew, etc., will be similar. Admiralty propose also that cargo, fuel, and stores, and money in Master's hands on board at time of transfer should be charged against New Zealand Government. Senior Naval Officer, Fiji, has been instructed to communicate with Commodore New Zealand Squadron to arrange transfer after use of vessel in refuelling Service Squadron ships at Fiji in May. Should be glad to learn whether your Ministers concur generally in proposed arrangements.

Despatch‡ follows.—SECRETARY OF STATE FOR THE COLONIES.

61911

No. 145.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 152.]

(No. 16.)

MY LORD,

Downing Street, 12th January, 1924.

WITH reference to my telegram of the 9th January,§ on the subject of the loan of an Oiler for service under the New Zealand Government, I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of correspondence|| with the Right Honourable W. F. Massey regarding the loan of the Oiler "Dredgol." The Lords Commissioners of the Admiralty now state that certain technical difficulties have arisen in connexion with the suggested structural alterations to the "Dredgol," and they propose accordingly to substitute the Oiler "Nucula."

2. The "Nucula" is a larger vessel than the "Dredgol," having a cargo capacity of about 6,000 tons of oil fuel, and possesses already the required radius of action. She is constructed to use either oil or coal as bunker fuel; her length is 370 feet; her loaded draught is 24 feet 9 inches.

3. The vessel will leave Hongkong about the middle of April and after calling at Singapore will proceed to Fiji, where she will assist in fuelling the Special Service Squadron. After this operation she will be at the disposal of the New Zealand Government, and provisional arrangements have been made for the Senior Naval

* No. 139. † No. 138. ‡ No. 145. § No. 144. || Nos. 140, 141, 142 and 143.

766

Officer, Fiji, to communicate direct with the Commodore of the New Zealand Squadron, in order to ascertain the action desired in regard to sailing orders, etc., for the vessel.

4. The arrangements will otherwise be identical with those outlined in the enclosed letter of the 23rd November,* addressed to Mr. Massey; and the annual charge for the vessel will be £6,500. It is proposed that this charge and other liabilities, such as the wages and victualling of the officers and crew, should be borne by New Zealand from the date on which the vessel is placed at the disposal of the New Zealand Government. It is further proposed that any oil fuel cargo, bunker fuel and other consumable stores on board at that date should be debited to the New Zealand Government, together with the amount of public money then remaining in the Master's hands.

5. Rear-Admiral Hotham has been consulted and has provisionally agreed to the arrangements outlined above.

I have, &c.,
DEVONSHIRE.

4594

No. 146.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.0 a.m., 29th January, 1924.)

TELEGRAM.

29TH JANUARY. Loan of an Oiler to New Zealand division of Royal Navy. My Government concurs generally in proposed arrangement as set out in your telegram of 9th January.†—JELlicoe.

8080

No. 147.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 3.35 p.m., 21st February, 1924.)

TELEGRAM.

[Answered by Nos. 149 and 150.]

Your telegram 30th August.‡ After consultation with Massey following arrangements proposed for loan of D Class light cruiser. Vessel to be "Dunedin." Date of taking over by New Zealand Government to be 10th May, but in view of visit of vessels participating in Empire Cruise understood that it would be more convenient actual date of exchange with "Chatham" should be 17th May, date of departure from Auckland of latter vessels. Revised estimate of cost of alterations to be borne by New Zealand Government, see (1) in my telegram of 4th August,§ is £200.

In respect of maintenance on voyage out, including fuel and stores, see (2) in my telegram of 4th August, proposed to make charge against New Zealand of £6,000 based on estimated cost of fuel stores, etc., consumed on direct journey from this country to New Zealand.

As "Dunedin" on leaving was stored generally for twelve months' requirements, in addition to the £6,000 worth of fuel and stores consumed on the passage out, stores and fuel will remain on board on arrival at Auckland to approximate value of £3,000, making £9,000 in all.

Manning, see (3) in my telegram of 4th August, proposed that New Zealand Government should assume responsibility for cost as from 10th May.

Should be glad to learn at an early date views of your Ministers as to Admiralty offer of second light cruiser in 1925, see my telegram 4th August.—THOMAS.

* No. 142. † No. 144. ‡ No. 139. § No. 138.

8080

No. 148.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.50 p.m., 21st February, 1924.)

TELEGRAM.

[Answered by No. 150.]

My telegram 21st February.* Admiralty state that your Government will also be asked to meet under (1) of my telegram of 4th August† cost of certain special permanent stores supplied to "Dunedin" in excess of normal equipment. Amount not yet ascertained but will be telegraphed as soon as available.—THOMAS.

9010

No. 149.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.32 a.m., 25th February, 1924.)

TELEGRAM.

25TH FEBRUARY. With reference to question contained in the concluding paragraph of your telegram of 21st February* regarding Admiralty offer of second light cruiser, my Prime Minister informs me that he will be unable to give an answer until after Parliament has met. Parliament usually assembles at the end of June.—JELlicoe.

11024

No. 150.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.45 a.m., 7th March, 1924.)

TELEGRAM.

[Answered by No. 151.]

7TH MARCH. Your telegram of the 21st February.* My Ministers advise me that the arrangements proposed for the loan to New Zealand of the D Class Light Cruiser "Dunedin" are concurred in and that the New Zealand Government are glad to accept the ship on the terms mentioned. My Ministers ask (a) whether the Imperial Government will pay for the fuel of "Chatham" from the date of leaving New Zealand including the completion to full stowage prior to leaving Auckland, (b) whether the New Zealand Government will be credited with the value of the stores remaining in the "Chatham" on her departure from New Zealand.—JELlicoe.

17690

No. 151.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.10 p.m., 15th April, 1924.)

TELEGRAM.

YOUR telegram 7th March.† Answer to (a) is in affirmative. As to (b), credit will be given for all consumable naval stores; but not for full equipment of

* No. 147. † No. 138. ‡ No. 150.

1924

767

permanent naval stores. Credit will, however, be given for any permanent stores in excess of full equipment which were charged against New Zealand at date of transfer of "Chatham." As regards "Dunedin," my telegram 21st February,* first paragraph, total cost of alterations to be charged against New Zealand is £165 11s. 11d., being cost of modification of cutter's davits. My further telegram 21st February,† value of excess permanent stores supplied to "Dunedin" not at present available, but will be ascertained from ship's store accounts when closed on transfer of ship.—AMERY.

23264

No. 152.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15th May, 1924.)

[Answered by No. 153.]

(No. 73.)

- SIR, Government House, Wellington, 8th April, 1924.
- WITH reference to the Duke of Devonshire's despatch No. 16 of the 12th January,‡ I have the honour to inform you that my Government are grateful to His Majesty's Government for the loan of the Oiler "Nucula," and will be pleased to accept the loan of that ship in substitution for the Oiler "Dredgol."
2. The arrangements outlined in paragraph 4 of your predecessor's despatch are agreed to by the New Zealand Government, namely:—
- (a) The annual charge for the vessel to be £6,500.
 - (b) This charge and all other liabilities such as the wages and victualling of the crew under their current agreements to be borne by New Zealand from the date on which the vessel is placed at the disposal of the New Zealand Government.
 - (c) Any oil fuel cargo, bunker fuel and other consumable stores on board at that date to be debited to the New Zealand Government, together with the amount of money then remaining in the Master's hands.
3. The New Zealand Government also accept responsibility for the ship's upkeep, repairs and manning, including the retention of her present classification in Lloyd's Register, as from the date of transfer.
4. As regards officers and crew, it is proposed that if the officers are in all respects suitable they should be retained under the orders of the New Zealand Government. It is probable that the Chinese crew will be retained possibly for the remaining period of their agreements (approximately until the end of 1925). They will then probably be replaced by Europeans.
5. The New Zealand Government will be responsible for passages, etc., as shown in the Note attached to the letter from Mr. Marsh to Massey, dated 23rd November, 1923,§ which was enclosed in the despatch under reply.
6. As regards the movements of the "Nucula," my Government propose, subject to H.M.S. "Dunedin" being completed to full stowage from other sources, that this vessel shall remain in the vicinity of Fiji to complete H.M.S. "Dunedin" with oil during the forthcoming cruise to the Islands, then proceeding as necessary to complete with a full cargo about the end of August.

I have, &c.,

JELlicoe,
Governor-General.

* No. 147. † No. 148. ‡ No. 145. § No. 142.

31401

No. 153.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 155.]

(No. 125.)

MY LORD,

Downing Street, 9th July, 1924.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 73 of the 8th of April,* relating to the loan of the Oiler "Nucula" to the Government of New Zealand, and to request you to inform your Ministers that the Lords Commissioners of the Admiralty intimate that it would be convenient if settlement of the claims for hire, which will be prepared and preferred quarterly by the Admiralty, could be effected in London by the High Commissioner for New Zealand.

2. Their Lordships also propose that the value of the oil fuel cargo, together with that of the bunker fuel, consumable stores, and public money in the Master's hands on the 27th of May, the date of the transfer, should be included in the first claim if particulars are available in time, or, if not, in a subsequent claim.

I have, &c.,

J. H. THOMAS.

35164

No. 154.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.2 p.m., 24th July, 1924.)

TELEGRAM.

24TH JULY. My Prime Minister laid his financial statement before the House of Representatives yesterday. He foreshadowed a further reduction of Income Tax of £1,000,000 this year; also proposes, if Parliament approves, to earmark the sum of £100,000 originally intended as a contribution towards Singapore Base for maintenance of a second light cruiser when acquired.

The statement indicates general progress in the Dominion with the prospect of increased prosperity.—JELICOE.

48595

No. 155.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15th October, 1924.)

(No. 194.)

SIR,

Government House, Wellington, 13th September, 1924.

WITH reference to your despatch No. 125 of the 9th July,† I have the honour to inform you that my Ministers advise me that it will be quite convenient to the Government of New Zealand:—

- (a) For the claims by the Admiralty for hire of the Oiler "Nucula" to be paid quarterly by the High Commissioner for New Zealand, on presentation of account, subject to any necessary adjustment in New Zealand; and
- (b) For the value of the oil fuel cargo, together with that of the bunker fuel, consumable stores, public money in the Master's hand on the 27th May, the date of the transfer, being included in the first claim if particulars are available in time, or, if not, in a subsequent claim.

I have, &c.,

JELICOE,

Governor-General.

* No. 152.

† No. 153.

52360

No. 156.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.40 a.m., 7th November, 1924.)

TELEGRAM.

7TH NOVEMBER. In Appropriation Act which passed through the New Zealand Parliament and received my assent 6th November, provision is made under Section 18 for expenditure of a sum not exceeding £100,000 towards the cost of provision and maintenance of an additional cruiser to be added or attached to New Zealand Division of the Royal Navy. This Section of the Act will remain in force until 31st March, 1926.—JELICOE.

(ii) Gift of Rescue Tug.

50888

No. 157.

NEW ZEALAND.

THE PRIME MINISTER (MR. MASSEY) to THE SECRETARY OF STATE.

(Received 19th October, 1923.)

[Answered by No. 158.]

Prime Minister's Office, Hotel Cecil, W.C., 18th October, 1923.

SIR,

Rescue Tug for New Zealand.

I HAVE the honour to bring to your notice that representations have been made to me for some time past for the necessity of the New Zealand Government acquiring a Rescue Tug for salvage and other purposes.

2. We have, unhappily, in the last two years, suffered some serious losses in New Zealand owing to shipwreck, one of which was the total wreck of the "Wiltshire," a vessel with very large refrigerated space and therefore difficult to replace.

3. The Naval Adviser to the New Zealand Government has made representations that from a war point of view some form of rescue or salvage vessel is almost a necessity to the ports which constitute naval bases, convoy assembly or refuge ports.

4. This officer has made inquiries at the Admiralty and finds that there are several salvage or rescue tugs, the property of the British Government, for disposal or sale, but he is given to understand that there is no market for the same.

5. I would suggest that sooner than allow such vessels to deteriorate and eventually become unserviceable, it would be an economy to offer them to the Dominion Governments, etc., and with the proviso that the tug's services were given free to all British men-of-war, British Government vessels, and vessels on Admiralty charter.

6. I would point out in this connexion that the New Zealand Government have relieved the British Government of the annual subsidy of £5,000, payable for another fifteen years or so to the Auckland Harbour Board for the use of the docks and workshop at that port which constituted the Naval Base.

7. It is in this port, if the British Government accede to this proposition, that the tug would be stationed, and the tug would be taken up in England in sea-going condition without further burden to the British Government and with the proviso mentioned in paragraph 5.

8. I would be glad if an early answer might be given to this letter so that arrangements, if satisfactory, can be completed before my return to New Zealand.

I have, &c.,

W. MASSEY,

Prime Minister of New Zealand.

50888

No. 158.

NEW ZEALAND.

MR. E. MARSH (COLONIAL OFFICE) to MR. W. F. MASSEY (PRIME MINISTER).

DEAR MR. MASSEY,

Downing Street, 23rd October, 1923.

I AM desired by the Duke of Devonshire to acknowledge the receipt of your letter of the 18th of October,* with regard to a suggestion that a Rescue Tug should be acquired by the Government of New Zealand. The Duke is communicating with the Admiralty in the matter, and a further letter will be sent to you as soon as possible.

Yours sincerely,
E. MARSH.

56149

No. 159.

NEW ZEALAND.

MR. E. MARSH (COLONIAL OFFICE) to MR. W. F. MASSEY (PRIME MINISTER).

DEAR MR. MASSEY,

Downing Street, 26th November, 1923.

THE Duke of Devonshire has now received a letter† from the Admiralty respecting the Rescue Tug required by the New Zealand Government, from which it appears that there are available for disposal a salvage vessel worth £18,500 and a Rescue Tug valued at £11,000.

The Admiralty have been giving careful attention, in the light of what you say in your letter of the 18th of October,* to the question whether one of these vessels can be presented to New Zealand, but owing to the Dissolution it may be some little time before the consideration of the matter can be completed. It is hoped, however, that it will be possible to let you have a further communication before you leave.

Yours sincerely,
E. MARSH.

18616

No. 160.

NEW ZEALAND.

OFFICE OF THE HIGH COMMISSIONER to COLONIAL OFFICE.

New Zealand Government Offices,

415, Strand, London, W.C.2, 17th April, 1924.

SIR,

I AM desired by the High Commissioner to enclose for your information copy of a communication addressed to the Admiralty on the 21st February last relative to the presentation to the Government of New Zealand of one of the "Saint" Class Tugs, of which it is understood there is a surplus beyond Admiralty requirements.

It is now understood that this matter is the subject of correspondence between your Department and His Majesty's Treasury and the High Commissioner will be very greatly obliged if you will kindly furnish him with information as to the present position.

I am, &c.,
J. K. CAMPBELL,
for Secretary to the Department.

Enclosure in No. 160.

SIR,

21st February, 1924.

I AM desired by the High Commissioner to inform you that he has been requested by his Government to approach you with a view to ascertaining whether it will be possible for the Lords Commissioners of the Admiralty to present to the

* No. 157. † 56149/23: not printed.

769

Government of New Zealand one of the "Saint" Class Tugs of which it is understood there is a surplus beyond Admiralty requirements.

It is suggested that this vessel should be used by the New Zealand Division of the Royal Navy for the purpose of moving H.M. Ships and Auxiliaries when required, towing targets for the Squadron, and also for salvage work should occasion arise. With reference to the last-named duty it is pointed out that on account of lack of salvage craft in New Zealand the occurrence of shipping casualties entails demands upon H.M. Ships, either Imperial or belonging to the New Zealand Division, for rescue work, etc., which would be avoided by the provision of a properly-equipped salvage vessel.

Should the request be granted, the Government of New Zealand is prepared to pay for the necessary alterations to convert the vessel for salvage purposes and for the expenses of taking her out to New Zealand.

The High Commissioner would greatly appreciate the decision of the Lords Commissioners of the Admiralty at an early date, as he is desired by his Government to communicate the result by telegraph in order that, in the event of Their Lordships being able to grant the request, arrangements may be made for the early transfer of the tug in question.

I am, &c.,
ALEXANDER CRABB,
Secretary to the Department.

The Secretary,
Admiralty, S.W.1.

41187

No. 161.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.30 p.m., 1st September, 1924.)

TELEGRAM.

[Answered by No. 162.]

WITH reference to your Prime Minister's letter of October last* regarding Rescue Tug and your Government's request for "Saint" Class tug put forward in February through High Commissioner,† His Majesty's Government will be glad to propose to Parliament that "Saint" Class tug shall be presented as a free gift to New Zealand, subject to proviso contained in paragraph five of your Prime Minister's letter under reference, and on condition that New Zealand Government bears cost of putting vessel into seagoing condition, estimated at £1,200, as well as cost of sailing vessel from this country to New Zealand. Should be glad to learn by telegraph whether this offer acceptable to your Ministers.—SECRETARY OF STATE FOR THE COLONIES.

57827

No. 162.

NEW ZEALAND.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.15 a.m., 10th December, 1924.)

TELEGRAM.

10TH DECEMBER. Your telegram of 1st September.‡ New Zealand Government gladly accepts "Saint" Class tug under the conditions specified.

* No. 157. † No. 160. ‡ No. 161.

(iii) Wireless stations at Awanui and Apia.

61620

No. 163.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 164.]

(Secret.)

MY LORD,

Downing Street, 16th January, 1924.

WITH reference to Your Excellency's Secret telegram of the 25th of August, 1923,* on the subject of Empire Naval Policy and Co-operation, I have the honour to transmit to you, to be laid before your Ministers, a copy of a letter from Mr. Massey, dated the 17th of November, forwarding notes† which were drawn up by Rear-Admiral A. Hotham in connexion with the memoranda on the subject of Empire Naval Policy prepared for use at the Imperial Conference.

2. With reference to paragraph 4 (10) of the first enclosure to Mr. Massey's letter, the Lords Commissioners of the Admiralty concur that the wireless stations at Awanui and Apia if modernized with valve apparatus would meet naval needs for communication in this area, and observe that they would be most valuable either for working direct with His Majesty's ships and merchant ships or for transmitting by the "I" method, and that they would extend the area covered by Singapore (Seletar) and by Rabaul and Port Darwin when modernized.

3. Their Lordships would be willing to furnish advice as to the best method of carrying out the modernization of the two stations. If this advice is desired, the following information would be required concerning the two installations as they are at present:—

Alternator power.

Alternator voltage.

Alternator frequency.

Transformer output.

Transformer ratio.

Number fitted.

D.C. Voltage and power available for operating auxiliary plant.

Masts.—Height and disposition; form of aerial.

Earth.—Arrangement and aerial resistance.

I have, &c.,

DEVONSHIRE.

[56216]

Enclosure in No. 163.

(Confidential.)

Prime Minister's Office,

Hotel Cecil, 17th November, 1923.

YOUR GRACE,

I HAVE the honour herewith to forward some notes‡ on the Committee of Imperial Defence papers—Empire Naval Policy and Co-operation, Parts I and II, which have been prepared by Rear-Admiral A. Hotham, until recently Naval Adviser to the New Zealand Government, and which have my general approval.

I enclose a further copy for transmission to the Admiralty, who probably will like to have the notes as a guide in dealing with the details necessary towards development of New Zealand's Naval Policy.

I have, &c.,

W. F. MASSEY.

His Grace the Duke of Devonshire,
Secretary of State for the Colonies,
London.

* No. 6. † Extract only printed. ‡ Para. iv (10) only printed.

[56216]

(Extract.)

Notes prepared by Rear-Admiral A. Hotham on the Committee of Imperial Defence Papers—Empire Naval Policy and Co-operation, Parts I and II.

IV (10.) *Re* paragraph 11, Communications. It is considered that valve sets are all that is necessary to bring Awanui and Apia Wireless Telegraphy stations up to date. These two stations are in constant communication, and Awanui being much nearer to Sydney than to Apia has no trouble in communicating with the former. The complete staff in these and all other New Zealand Wireless Telegraphy stations are trained and re-qualified yearly in Naval Procedure, and would be mobilized as R.N.V.R. in time of war and left in these stations. This includes the stations in the Cook Islands.

25623

No. 164.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29th May, 1924.)

[Answered by No. 166.]

(Secret.)

SIR,

Government House, Wellington, 28th April, 1924.

I HAVE the honour to acknowledge the receipt of the Duke of Devonshire's Secret despatch of the 16th January,* on the subject of Empire Naval Policy and Co-operation, which I duly laid before my Ministers.

2. My Government are grateful for the kind offer of the Lords Commissioners of the Admiralty to furnish advice as to the best method of carrying out the modernization of the wireless stations at Awanui and Apia, and are very desirous that this advice should be given.

3. The information required by the Lords Commissioners of the Admiralty concerning the two installations as they are at present, is as follows:—

		Radio-Awanui and Awarua		Radio-Apia	
		High Power.	Low Power.	High Power.	Low Power.
Alternator Power	...	60 KVA	60 KVA	10 KVA	
	(48 K.w. at power factor 0.8.)				
Alternator Voltage	...	500	440	220	
Alternator Frequency	...	500	500	500	
Transformer Output	...	35 KVA	60 KVA	10 KVA	
Transformer Ratio	Primary:	300/400	300/400	138/220	
	Secondary:	2 x 18,000	21,000	8,000	
	Number of transformers fitted	One	One	One	

I have, &c.,

JELLICOE,

Governor-General.

* No. 163.

ADMIRALTY to COLONIAL OFFICE.

(Confidential.)

SIR,

Admiralty, S.W.1, 13th October, 1924.

I AM commanded by My Lords Commissioners of the Admiralty to refer to your letter of the 2nd June last,* forwarding a copy of a despatch† from the Government of New Zealand expressing the desire of the New Zealand Government to receive advice as to the best method of carrying out the modernization of the wireless stations at Awanui and Apia.

2. In reply I am to acquaint you, for the information of the Secretary of State for the Colonies, that the following recommendations, which also meet Naval strategic requirements, have been prepared on the assumptions that:—

- (a) good intercommunication is required between Apia and New Zealand,
- (b) provision of a commercial ship-shore service on 600 metres spark and 2,400 metres C.W. is required at both stations.

Power Plant—Awanui.

3. The details available indicate that the alternator has an output of 60 K.V.A. at 500-volts and 500 frequency.

4. The H.T. Transformer is 300/400 primary and the secondary $2 \times 18,000$ volts. Taking this to mean that the secondary comprises two windings, the common point of which can be earthed, it is assumed that with the primary line voltage at 400-volts, the secondary supply would be 36,000-volts across outers.

5. At 350-volts primary supply the secondary voltage would be 31,500.

6. This line voltage with the mid-point earthed would be satisfactory for a valve set operating at full power.

Power Plant—Apia.

7. At Apia the alternator is 60 K.V.A., at 440-volts, 500-frequency, and the transformer ratio is understood to be 300/400 volts primary with a secondary of 21,000.

8. Their Lordships consider this transformer ratio to be too small for the efficient operation of a valve set, and they recommend that it be replaced by one suitable for the valve set to be installed.

Transmitting Plant.

9. Their Lordships recommend that at each of the two stations valve transmitting sets should be installed each with an output rating of at least 10 K.W., the valve set to include the following:—

(a) Rectifier-unit comprising four Type NU22 silica valves.

(b) Transmitter unit including three NT24 silica valves so arranged that either two or three valves can be used.

(c) Tuning unit with double wound loose coupled oscillation transformer.

The components of these units could be mounted on three separate angle iron structures with enclosing gates and panels, and could carry all the necessary condensers, valves, valve holders, wave changing switch, magnetic key, etc.

10. This transmitting set could be arranged to operate on a wave range of 1,000/5,000 metres, given a suitable aerial system. It is recommended that the valve transmitter should employ the Admiralty Patent circuit, with valve filaments at high frequency potential, which is now largely used in the British Navy and in commercial valve transmitters.

Filament Supply.

11. Their Lordships recommend that separate filament motor-alternators be supplied, and that these should be 4-1/2/5 K.W. output.

Aerial System.

12. It is understood that the aerial is of an umbrella type with single tower 394 feet high, and outer ends supported on 24 poles 20 feet high.

These data are insufficient for exact calculation, but it is probable that such an aerial system will have a capacity of the order of three to four jars, in which case

* 25623/24: not printed: it enclosed a copy of No. 164. † No. 164.

Their Lordships consider that wave lengths of from 2,000 to 5,000 metres can be obtained with good efficiency.

Ship Service.

13. For ship service on 2,400 metres C.W. the main transmitting set recommended would be quite satisfactory. For 600-metre spark service Their Lordships recommend the installation of a separate standard commercial $1\frac{1}{2}$ K.W. synchronous spark transmitter.

Estimated Cost.

14. The estimated cost of the equipment recommended, including the following items, is:—

Main Valve Transmitter,
Filament motor-alternator,
Synchronous spark transmitter, $1\frac{1}{2}$ K.W.,
Installation, material including spares and 200 per cent. spare valves,
Packed for shipment and delivered C.I.F. at a principal port in New Zealand. Approximately per set . . . £6,000.

15. Their Lordships suggest that contractors be requested to quote for the supply of the material and plant required.

16. If the services of a skilled engineer were required to supervise the erecting, adjustment and testing of the complete installations, the cost would probably be about £85 per month plus all travelling expenses.

17. At Apia where a new H.T. transformer would probably be required the total cost of the set would be increased by approximately £350.

I am, &c.,

V. W. BADDELEY.

48555

No. 166.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 24th October, 1924.

I HAVE the honour to acknowledge the receipt of Your Excellency's Secret despatch of the 28th of April,* and to transmit to you, to be laid before your Ministers, the accompanying copy of a letter† containing the suggestions of the Lords Commissioners of the Admiralty as to the modernization of the wireless stations at Awanui and Apia.

I have, &c.,

J. H. THOMAS.

E. UNION OF SOUTH AFRICA.

Naval Discipline.

20322

No. 167.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 23rd April, 1923.)

(No. 129.)

MY LORD DUKE,

Governor-General's Office, Cape Town, 6th April, 1923.

I HAVE the honour to transmit to Your Grace herewith Minute from Ministers and correspondence with the Commander-in-Chief, Simonstown, on the subject of disciplinary measures in respect of members of the South African Naval Services.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure 1 in No. 167.

MINUTE 131.

Prime Minister's Office, Cape Town, 28th February, 1923.

MINISTERS have the honour to state, for the information of His Royal Highness the Governor-General, that as it is not proposed to introduce any amendments to the South Africa Defence Act (Act 13 of 1912) during the present Parliamentary Session, the South African Naval Services will be subject to the Naval Discipline Act administered by the Naval Commander-in-Chief without modification or adaptation, but it is desired by Ministers that they may be given an opportunity of viewing any cases where serious disciplinary action is taken against members of the South African Naval Services. Ministers would therefore be glad if steps could be taken to ensure their being granted the facilities for doing so.

Ministers would particularly emphasize that they merely wish to view such cases from a South African aspect, without fettering in any way the action or full disciplinary control of the Naval Commander-in-Chief.

J. C. SMUTS.

Enclosure 2 in No. 167.

(No. 611D.)

Office of the Commander-in-Chief,
Africa Station, Simonstown, C.P., 8th March, 1923.

YOUR ROYAL HIGHNESS, I HAVE the honour to acknowledge the receipt of your letter to the Commander-in-Chief, No. 2/1865, of 5th March, 1923, enclosing a copy of Ministers' Minute No. 131 of 28th February.

2. As regards the request by Ministers to view any cases where serious disciplinary action is taken against members of the South African Naval Services, I beg to inform you that I am prepared, should I have occasion to try any member by Court Martial, to forward for Ministers' information complete copies of the proceedings. In this connexion it should be noted that the minutes of Courts Martial are subject to the scrutiny of the Law Officers of the Crown, and subsequent approval of My Lords Commissioners of the Admiralty.

3. Commanding Officers of His Majesty's Ships are empowered to award summary punishments up to a maximum of ninety days' imprisonment. This award is subject to the approval of the Commander-in-Chief or Senior Officer present, a procedure introduced with the object of securing uniformity of punishments as far as possible. In cases where ships are on detached service, Commanding Officers are empowered to award imprisonment without covering approval.

It is not considered expedient to alter this procedure, or to fetter in this respect the authority of Commanding Officers.

4. The Quarterly Returns of Punishments of all the South African Naval Service are forwarded to the Union Government for information.

5. Your letter, together with a copy of this reply, will be placed before the Commander-in-Chief on his return from the West Coast, for his information and for such further action as he may consider necessary.

6. I trust that this arrangement will meet with the wishes of Your Royal Highness's Ministers.

I have, &c.,

GORDON CAMPBELL,

Senior Naval Officer.

(For Rear-Admiral Commander-in-Chief.)

His Royal Highness

The Governor-General

Union of South Africa,

Government House,

Cape Town.

Enclosure 3 in No. 167.

(No. 2/1865.)

SIR,

Governor-General's Office, Cape Town, 6th April, 1923.

WITH reference to your letter No. 611D. of the 8th March, regarding disciplinary measures in respect of members of the South African Naval Services, I have to inform you that my Ministers greatly appreciate your proposals, which are satisfactory to them.

I am, &c.,

ARTHUR FREDERICK,
Governor-General.

The Naval Commander-in-Chief,
Africa Station,
Simonstown.

MILITARY.**A. CHANNELS OF COMMUNICATION REGARDING MILITARY MATTERS.**

19128

No. 168.

DRAFT OF PROPOSED NEW WAR OFFICE INSTRUCTIONS REGARDING CORRESPONDENCE WITH DOMINIONS AND COLONIES.

(Extract.)

CORRESPONDENCE WITH DOMINIONS AND COLONIES.

81. All official communications relating to the forces of Dominions or Colonies which raise general questions of policy or major matters of administration will be made through the Colonial Office. Considerable importance is attached by the Colonial Office to the observance of this rule. If a case occurs in which correspondence on a question of policy is opened by a High Commissioner, or in which correspondence on matters of detail develops so as to involve questions of policy, the reply should be sent to the High Commissioner through the Colonial Office. In any case of doubt as to the correct procedure to be followed, C. 1 should be consulted.

In addition, communications intended for or relating to Imperial military officers in the service of Dominions or Colonies will be made through the Colonial Office. In the case of the Dominions, important letters only should go through the Colonial Office, correspondence as to details being conducted through the High Commissioners.

82. Correspondence on the following subjects may, however, be made direct as described.

- (a) Indents for stores and the relative correspondence will continue to pass through the High Commissioners or the Crown Agents for the Colonies.
- (b) Correspondence regarding military examinations will continue to pass direct between the General Staff and the local sections of the Imperial General Staff.
- (c) Copies of specifications for stores will be sent to the High Commissioners or the Crown Agents for the Colonies.
- (d) Correspondence regarding appointments for temporary colonial service, such as construction works, railway survey, etc., will be conducted direct with the Crown Agents for the Colonies.
- (e) In the case of Dominions, matters of technical advice and of minor administrative detail should be dealt with by direct correspondence between the War Office and the High Commissioner or Defence Department concerned.

83. Communications for the High Commissioners should be addressed in the following manner:—

Dominion of Canada—

The Secretary,

Office of the High Commissioner for Canada,
19, Victoria Street, S.W.1.

Commonwealth of Australia—
The Official Secretary,
Commonwealth of Australia,
Australia House, Strand, W.C.2.
Dominion of New Zealand—
The Secretary,
Office of the High Commissioner for New Zealand,
413-416 Strand, W.C.2.
Union of South Africa—
The Secretary,
Office of the High Commissioner for the Union of
South Africa,
Trafalgar Square, S.W.1.
Newfoundland—
The Secretary,
Office of the High Commissioner for Newfoundland,
58, Victoria Street, S.W.1.

All accounts from the Commonwealth of Australia forwarded for payment will be addressed to "The Accountant, Commonwealth of Australia."

84. In Canada and Australia, questions of defence pertain to the Dominion and Commonwealth Government respectively; and the Colonial Office should be consulted with regard to any communication on defence matters received from the Governments of Canadian Provinces or Australian States, or their Agents-General in London. But there is no objection to replying direct to communications received from such Agents-General in regard to contracts for stores.

85. The replies to all petitions to the King by individuals residing in the Dominions or the Colonies, should be returned to the petitioners through the Colonial Office.

88. On all matters involving questions of policy, the Colonial Office is the proper channel of communication between the War Office and the Irish Free State. All communications on such questions should be addressed to:—

The Under Secretary of State,
Colonial Office (Irish Branch),
38, Old Queen Street, S.W.1.

Matters of a purely routine nature, arising out of ordinary Departmental business, may be dealt with by direct communication with the High Commissioner for the Irish Free State in London, or the appropriate Ministry in Dublin. The High Commissioner's present (temporary) address is:—
Hotel Victoria, S.W.1.

B. INTERCHANGE OF OFFICERS.

(See pages 89-97 of *Dominions No. 82*.)

9958

No. 169.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 11.30 a.m., 16th March, 1923.)

TELEGRAM.

YOUR telegram 13th September,* interchange officers. Regret delay due to discussion of certain points of detail as between His Majesty's Government and Government of India. Proposed that scheme should be put into operation forthwith whereby three New Zealand officers will be sent annually to interchange for period of two years with three officers of British units serving in India. Three New Zealand officers so transferred to remain on establishment of their own units, and

* No. 139 in *Dominions No. 82*.

their pay and allowances, etc., to be defrayed by Government of New Zealand. Government of India similarly to pay expenses of British officers other than passages from India to New Zealand and back which will be borne by the War Office. If your Ministers approve, suggest that further arrangements should be made direct with Government of India to whom this telegram is being repeated.—DEVONSHIRE. 773

13542

No. 170.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 16th March, 1923.)

[Answered by No. 171.]

(No. 22.)

Governor-General's Office,

MY LORD DUKE,

Melbourne, 15th January, 1923.

WITH reference to my Confidential despatch dated 12th October, 1920,* relative to the War Office Confidential "Memorandum on the subject of Loans, Attachments and Interchanges of and between officers of the Regular Army and officers of the Oversea Dominions," I have the honour, at the instance of my Prime Minister, to inform Your Grace that the Commonwealth Government proposes that arrangements be made for the revival of the system of interchange by the exchange for a period of twelve months of one officer from Australia of the substantive rank of Captain or Major with an officer of equivalent rank from the United Kingdom and India respectively. The first interchange it is hoped to effect during the financial year July 1923—June 1924, and later it may be possible to develop the system.

The proposals concerning the interchange of an officer from Australia with an officer from India have been submitted to the Government of India—copy of despatch herewith.

With regard to the interchange of officers between Australia and the United Kingdom, it is considered essential that the officers interchanged should be assigned to a definite appointment and not merely "attached."

Dependent upon conditions prevailing at the time, it is desired to make preliminary arrangements to meet the following alternatives:—

(a) The despatch from Australia of an officer of the rank of Major for regimental employment with the Royal Field or Coast Artillery in exchange for an officer suitable to command a permanent Coast Artillery Unit.

(b) The despatch from Australia of an officer of the rank of Major for employment on the General Staff of a Command in exchange for an officer qualified for similar appointment.

The general financial conditions governing interchanges between the United Kingdom and Australia will be as defined in paragraph 4 (c) of the War Office Memorandum† on the subject of Loans, Attachments and Interchanges (amended to November, 1919). These are briefly as follows:—

"Interchanged officers should be paid by the Government to which they belong, which should also defray the passage to and fro of the officers and their families, travelling allowances and expenses (including all non-effective charges) as may be thought necessary. Travelling allowances and expenses within the United Kingdom or Dominions should be paid at local rates by the Government of the country in which he is serving."

The following local rates of travelling allowance obtain in Australia:—

Members receiving pay from	Daily Allowance.		Daily allowance after one week's residence in same place.		Weekly Allowance after two weeks' residence in same place.	
	s.	d.	s.	d.	s.	d.
£310 to £500 per annum	14	6	12	6	45	0
£501 to £600 per annum	16	0	14	0	55	0
£601 to £750 per annum	18	6	16	6	62	6
Over £750 per annum	20	0	18	0	70	0

* No. 82 in *Dominions No. 72*.

† Enclosure in No. 77 in *Dominions No. 72*.

My Ministers would be glad if early information could be given as to the acceptance or otherwise of these proposals, in order that details regarding the officers nominated for interchange, the appointments to be held, and the dates on which the interchange will be effected may be arranged.

I have, &c.,
FORSTER,
Governor-General.

Enclosure in No. 170.

(23/47/1.)

MY LORD,

Melbourne, 15th January, 1923.

WITH reference to the War Office Confidential "Memorandum on the subject of Loans, Attachments and Interchanges of and between officers of the Regular Army and officers of the Oversea Dominions" dated 15th November, 1919, I have the honour to inform Your Excellency that the Commonwealth Government proposes that arrangements be made for the interchange of one officer of the Staff Corps, Australian Military Forces, of the substantive rank of Captain or Major, with an officer of equivalent rank from India, the period of interchange to be for twelve months, and the first interchange to be effected during the financial year 1923-1924.

It is desired that the interchanged officer should be assigned to a definite appointment and not merely "attached."

Dependent upon conditions prevailing at the time, my Ministers would be glad if preliminary arrangements could be made to meet the following alternatives:—

(a) The despatch from Australia of an officer of the rank of Major and a graduate of the Staff College for regimental employment with Field Artillery in exchange for a p.s.c. graduate capable of instructing in military history and strategy at the Royal Military College.

(b) The despatch from Australia of an officer of the rank of Major for employment on the General Staff of a Formation or Command in exchange for an officer qualified for a similar appointment.

The general financial conditions governing these interchanges will be as defined in the above-quoted War Office Memorandum paragraph 4 (c). These are briefly as follows:—

"Interchanged officers should be paid by the Government to which they belong, which should also defray the passage to and fro of the officers and their families, travelling allowances and expenses (including all non-effective charges) as may be thought necessary."

With regard to travelling allowance and expenses within Australia or India, it is proposed that these should be paid by the Government of the country in which the interchanged officer is serving as follows:—

(a) Interchanged officers from Australia whilst in India should receive travelling allowances in accordance with Scale B, paragraph 29, Army Regulations, India, Volume X.

(b) Interchanged officers from India whilst in Australia should receive travelling allowances at the undermentioned local rates obtaining in Australia or in accordance with a scale of allowances mutually agreed upon by the Governments concerned.

Travelling Allowances in Australia.

Members receiving pay from	Daily Allowance.		Daily allowance after one week's residence in same place.		Weekly Allowance after two weeks' residence in same place.	
	s.	d.	s.	d.	s.	d.
£310 to £500 per annum	14	6	12	6	45	0
£501 to £600 per annum	16	0	14	0	55	0
£601 to £750 per annum	18	6	16	6	62	6
Over £750 per annum	20	0	18	0	70	0

I should be glad if early information could be given as to the acceptance or otherwise of these proposals by the Government of India in order that details regarding the officers nominated for interchange, the appointments to be held, and the dates on which the interchange will be effected may be arranged.

I have, &c.,
FORSTER,
Governor-General.

His Excellency

The Viceroy and Governor-General of India,
Simla.

21081

No. 171.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.55 p.m., 30th April, 1923.)

TELEGRAM.

[Answered by No. 172.]

Your despatch 15th January, No. 22.* Army Council agree to proposals for interchange of officer with United Kingdom except that they prefer interchange should be for period of two years instead of one.—DEVONSHIRE.

27651

No. 172.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.12 a.m., 2nd June, 1923.)

TELEGRAM.

2ND JUNE. Your telegram 30th April.† Interchange of Army Officers. Commonwealth Government agrees to period of two.—GOVERNOR-GENERAL.

40709

No. 173.

GOVERNMENT OF INDIA to THE GOVERNOR-GENERAL,
COMMONWEALTH OF AUSTRALIA.

(ARMY DEPARTMENT.)

Simla,
17th July, 1923.

Interchange of an officer between India and Australia.

MY LORD,

I HAVE the honour to refer to the correspondence resting with my telegram No. 590 dated the 16th July, 1923, regarding the interchange of Military officers between India and Australia.

2. In your Lordship's despatch No. 23/47/I, dated the 15th January, 1923,‡ you proposed that arrangements should be made for the interchange, annually, of one officer of the Staff Corps, Australian Military Forces, of the substantive rank of Captain or Major, with an officer of equivalent rank from India, the first interchange to be effected during the financial year 1923-24. In this connexion, your Lordship suggested the following alternatives:—

* No. 170. † No. 171. ‡ Enclosure in No. 170.

(a) The despatch from Australia of an officer of the rank of Major and a graduate of the Staff College for regimental employment with Field Artillery in exchange for a p.s.c. graduate capable of instructing in military history at the Royal Military College.

(b) The despatch from Australia of an officer of the rank of Major for employment on the General Staff of a Formation or Command in exchange for an officer qualified for a similar appointment.

With regard to travelling allowance and expenses within Australia and India, you suggested that these should be paid by the Government of the country in which the interchanged officer was serving, as follows:—

(i) Interchanged officers from Australia, whilst in India, should receive travelling allowances in accordance with scale B, paragraph 29, Army Regulations, India, Volume X.

(ii) Interchanged officers from India, whilst in Australia, should receive travelling allowances at the undermentioned local rates obtaining in Australia, or in accordance with a scale of allowances mutually agreed upon by the Governments concerned.

Travelling Allowances in Australia.

Members receiving pay from	Daily Allowance.	Daily allowance after one week's residence in same place.	Weekly allowance after two weeks' residence in same place.
	s. d.	s. d.	s. d.
£810 to £500 per annum ...	14 6	12 6	45 0
£501 to £600 per annum ...	16 0	14 0	55 0
£601 to £750 per annum ...	18 6	16 6	62 6
Over £750 per annum ...	20 0	18 0	70 0

3. My Government have carefully examined the two main proposals put forward by your Lordship and have decided to accept the alternative described under (b) in paragraph 2 above, on the understanding that the pay of the interchanged officers and the cost of their passage to and fro will be defrayed by their respective Governments. They also agree that the officer from Australia, while in India, should receive travelling allowance in accordance with scale B, paragraph 29, Army Regulations, India, Volume X.

With regard to the alternative proposals mentioned in paragraph 2 (ii) above, my Government agree that the interchanged officer from India should receive, while in Australia, travelling allowances at the local rates which are quoted in your Excellency's letter and are reproduced in the table in paragraph 2 above.

4. The officer selected to proceed from India is Brevet-Major W. H. G. Baker, D.S.O., (p.s.c.), 31st Duke of Connaught's Own Lancers.

Major Baker received his first commission in January, 1909. He served with the British Expeditionary Force in France from 1914 to 1917, and during the last year of this period, he commanded an Infantry Battalion. He was subsequently employed as an instructor at the Cavalry School, Saugor. He passed out of the Staff College, Quetta, in 1921, and since August, 1922, has held the appointment of General Staff Officer, 2nd Grade, at the Headquarters of the Southern Command, Poona.

5. With reference to your Lordship's telegram dated 21st June, 1923, my Government agree that the period of exchange should be for two years, but consider that it would be more suitable if the exchange took place about the beginning of October, which marks the beginning of the training season and of the cold weather in this country. In that case, the selected officers would sail from India and Australia, respectively, about the 15th September.

I have, &c.,

E. BURDON,

For Viceroy and Governor-General of India.

No. 14856—2 (G.S.-S.D. 2).

Copy of the above forwarded to:—

The Financial Adviser, Military Finance, for communication to the Military Accountant General, and to all the Controllers of Military Accounts.

The Adjutant-General in India.
The Quartermaster-General in India.
The Military Secretary, Army Headquarters.

H. R. PATE,

Deputy Secretary to the Government of India.

38442

No. 174.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.40 a.m., 1st August, 1923.)

TELEGRAM.

[Answered by No. 175.]

1ST AUGUST. My despatch of 15th January, No. 22.* Interchange of officers. My Ministers would be glad to learn which of the alternatives (a) and (b) desired by Army Council.—GOVERNOR-GENERAL.

39642

No. 175.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.40 a.m., 11th August, 1923.)

TELEGRAM.

YOUR telegram 1st August.† Interchange of officers. Army Council prefer alternative (a) and are now taking steps to select suitable officer. They suggest that interchange should take place towards end of this year. Further communication will be sent when officer selected, with a view to arranging final details.—DEVONSHIRE.

26195

No. 176.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd June, 1924.)

(No. 81.)

SIR,

Governor-General's Office, Melbourne, 14th April, 1924.

I HAVE the honour, at the instance of my Prime Minister, to forward, herewith, for the consideration of His Majesty's Government, a copy of a memorandum submitted by the Acting Secretary, Commonwealth Department of Defence, on the subject of the interchange of officers between the United Kingdom and Australia.

I have, &c.,

FORSTER,

Governor-General.

Enclosure in No. 176.

Department of Defence,
Melbourne, 2nd April, 1924.

Memorandum for:

The Secretary,

Prime Minister's Department,
Melbourne.

1. As the result of the conversations between the Senior Military Representative with the High Commissioner for Australia in England and the War Office, London,

the following suggestions have been made with regard to the interchange of officers between the United Kingdom and Australia:—

- (a) That arrangements be made for the interchange of an officer of the rank of Major for employment on the Staff of the War Office; and
 - (b) That two officers who have graduated from the Staff College should proceed to England for employment on the Staff of the War Office or in commands without replacement in Australia.
2. With regard to the above it is desired that the following proposals be submitted to the Secretary of State for the Colonies:—
- (i) Owing to the paucity of suitable officers in Australia, the suggestion contained in sub-paragraph (b) above cannot be adopted at present.
 - (ii) With regard to sub-paragraph (a) above, it is proposed that an officer of the Australian Staff Corps who is a Staff College graduate of the substantive rank of Major be employed in a 2nd Grade appointment on the General Staff at the War Office, London, for a period of two years in exchange for an officer of the Regular Army in England of equal rank and qualifications who will be employed on the General Staff at Army Headquarters in Australia.
 - (iii) The general financial conditions governing the interchange will be as defined in paragraph 4 (c) of the War Office Memorandum on the subject of Loans, Attachments and Interchanges (amended to November, 1919).
 - (iv) It is hoped that this interchange may be effected early in December, 1924.
 - (v) It is desired that early information be given as to the acceptance or otherwise of these proposals in order that details regarding the officers nominated for interchange, the appointments to be held, and the dates on which the interchange will be effected may be arranged.

T. J. THOMAS,

Acting Secretary.

33302

No. 177.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 14th July, 1924.)

(Confidential.)

SIR,

Government House, Ottawa, 30th June, 1924.

WITH reference to Lord Milner's Confidential despatch of the 17th December, 1919,* I have the honour to enclose, herewith, copies of an approved Minute of the Privy Council for Canada setting forth that the Government of Canada are in general accord with, and accept, the principles and provisions contained in, the "Memorandum on the subject of Loans, Attachments and Interchanges between individuals belonging to the Military Forces of the Empire," a copy of which was transmitted with the despatch under reference.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 177.

MINUTE OF A MEETING OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 27TH JUNE, 1924.

(P.C. 1085.)

THE Committee of the Privy Council have had before them a Report, dated 23rd June, 1924, from the Minister of National Defence, submitting that he has had under consideration a copy of a "Memorandum on the subject of Loans, Attachments and Interchanges between individuals belonging to the Military Forces of the Empire" (amended to 1919) which was received under cover of Colonial Office despatch dated 17th December, 1919.

The Minister states that this Memorandum differs only in principle in the following respects from the original Memorandum subscribed to by the Canadian Government in 1911:

* No. 77 in Dominions No. 72.

- (i) The system of loans, attachments and interchanges is extended to non-commissioned officers and men as well as to officers;
- (ii) The Dominion Section at the War Office is to be abolished as it is considered that such a system contributed to work being carried out in water-tight compartments and debarred the officers selected for the appointment from obtaining first-hand information regarding the work of the Army as a whole. Officers selected will in future be attached to all the Departments of the Military Members of the Army Council.

There are no changes as regards the incidence of costs.

The Committee, on the recommendation of the Minister of National Defence, advise that Your Excellency may be pleased to inform the Right Honourable the Secretary of State for the Colonies that Your Excellency's Ministers are in general accord with and accept the principles and provisions contained in, the Memorandum received under Colonial Office despatch, dated 17th December, 1919, above referred to.

All of which is respectfully submitted for Your Excellency's approval.

E. J. LEMAIRE,
Clerk of the Privy Council.

Secretariat Note.—Arrangements were subsequently made in the course of 1924 for the exchange of certain officers between the War Office and Canada and Australia, and between India and Australia and New Zealand, the details being settled by direct correspondence.

C. UTILISATION OF RESERVE OFFICERS AND MEN ON MOBILIZATION.

(See pages 33-44 of Dominions No. 82.)

30139

No. 178.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 23rd June, 1922.)

[Answered by No. 180.]

(No. 197.)

SIR,

Governor-General's Office, Melbourne, 13th May, 1922.

I HAVE the honour, at the instance of my Prime Minister, to inform you that, as the result of applications from officers resident in Australia and holding commissions in the British Army to be granted commissions in the Citizen Forces of the Commonwealth, the question has arisen whether it is desirable that an officer should hold His Majesty's Commission in the British Army concurrently with a commission in the Commonwealth Forces under the Defence Act.

The holding of the two commissions concurrently does not appear to the Commonwealth Minister for Defence to be desirable, and it is thought advisable, except in the case of any officers of the Regular Army granted local rank, that an officer before being granted a commission in the Commonwealth Forces should be required to resign his commission in the British Army. I shall be glad to be enabled to acquaint the Minister for Defence with the opinion of the Army Council on this matter.

I shall also be glad to know the views of the Army Council on the question of the disposal, in the event of the outbreak of war, of officers holding commissions in the British or Indian Army who are then resident in Australia; and whether these officers should be returned to duty with their regiments or their services utilized locally.

In this connexion I desire to point out that sections 59 and 60 of the Commonwealth Defence Act, 1903-18, provide for the compulsory calling up in time of war of all male inhabitants of Australia between the ages of eighteen and sixty, but in the event of these sections of the Defence Act being brought into operation by

proclamation, the latter section will allow of officers holding commissions in the British or Indian Army being temporarily exempted from service, and this course could be followed should the return of these officers for duty with their regiments be decided upon.

I have, &c.,
FORSTER,
Governor-General.

38003

No. 179.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 184, 185 and 191.]

(Canada No. 520.)
(New Zealand No. 225.)
(Newfoundland No. 123.)

MY LORD,

Downing Street, 30th October, 1923.

I HAVE the honour to request Your Excellency to inform your Ministers that the Army Council have recently had under consideration the position in the event of war of officers of the Regular Army Reserve of Officers and men of the Army Reserve who are domiciled in the Dominions.

2. Subject to paragraph 3 of this despatch, the Army Council have no objection to an officer holding a commission in the Forces of a self-governing Dominion concurrently with his commission in the British Army. The Army Council would probably wish in the event of war to recall for services with the British Army a certain limited number of officers who are in receipt of retired pay, whose names would be communicated to your Government in advance, but, subject to this, they are prepared to surrender to the [Canadian] [New Zealand] [Newfoundland] Government the first call on the services of officers of the Reserve of Officers who are permanently resident in [the Dominion] [New Zealand] [Newfoundland] should the [Canadian] [New Zealand] [Newfoundland] Government desire to utilize the services of these officers.

3. In the event of the decision of your Government on this question being in the affirmative, the Army Council are of the opinion that only those officers of the Regular Army Reserve of Officers domiciled in [the Dominion] [New Zealand] [Newfoundland] who are in receipt of retired pay from the United Kingdom funds should remain in the Regular Army Reserve of Officers. Steps would consequently be taken to inform all those officers otherwise situated, that they will relinquish their British Army commissions.

4. The Council would make any reduction of retired pay of officers employed by the [Canadian] [New Zealand] [Newfoundland] Government conform to the Regulations in force for officers recalled for service with the British Army, and in no case would any service performed with [Canadian] [New Zealand] [Newfoundland] Forces count towards increase of pension gratuity or any other advantages that might be given from United Kingdom funds for service with the British Army.

To enable the Army Council to carry out this proposal they would be glad if arrangements can be made to notify them of the dates on which such officers commence and cease to draw pay from Dominion funds.

5. The Army Council would also inform all officers in receipt of retired pay who are residing or intend to reside permanently in [the Dominion] [New Zealand] [Newfoundland] [To Canada and New Zealand only: of their liability for service in the [Canadian] [New Zealand] Forces, and the financial consequences so far as His Majesty's Government are concerned. For this purpose, I should be glad if you would request your Ministers to furnish a detailed statement regarding this liability of service, should your Government desire to utilize the services of these officers.] [To Newfoundland only: should your Ministers so desire, that their services would be at the disposal of the Newfoundland Government in the event of war, and that the financial consequences, so far as His Majesty's Government are concerned, would be as set out in paragraph 4 above.]

6. The above arrangements would apply only to officers domiciled in [Canada] [New Zealand] [Newfoundland] and you should invite the attention of your Ministers to the fact that the Army Council desire that all officers who are temporarily resident but not domiciled in [the Dominion] [New Zealand] [Newfoundland] should be liable to recall by the War Office.

7. A further communication will be addressed to you with regard to officers of the Territorial Army and officers of the Indian Army.

8. I should be glad if you would also inform your Ministers that as regards men of the Army Reserve who are domiciled in [the Dominion] [New Zealand] [Newfoundland] the position is as follows:—

Prior to the 11th November, 1919, Army Reservists were permitted to reside abroad permanently, and if resident in a Dominion or Colony in which there was an Imperial Garrison drew their Reserve pay. From the 11th November, 1919, Reservists wishing to reside outside the United Kingdom have been discharged, and such men have no military obligation, so far as His Majesty's Government are concerned. It has recently been decided, however, that a Reservist who wishes to reside permanently outside the United Kingdom is not to be discharged but is to be given leave without pay during the period of such residence abroad. While so resident, such a Reservist will not be recalled to the Colours, but should he return to this country before his reserve service expires, he will receive reserve pay and will be liable to recall to the Colours. A copy of Army Order No. 451 of November, 1922,* setting forth this arrangement is enclosed.

9. As it is not intended to enforce any reserve liability in the case of an Army Reservist granted permission to reside permanently outside the United Kingdom, the Army Council will have no objection to any such Reservist who may be domiciled in [the Dominion] [New Zealand] [Newfoundland] and being utilized in [the Dominion] [the New Zealand and Defence Forces] [Newfoundland] if his services are required.

10. The foregoing paragraphs with regard to men of the Army Reserve do not apply to those who obtain permission to proceed outside the United Kingdom as a temporary measure. In such cases, provided that the period outside the United Kingdom does not exceed twelve months, reserve pay is issued and liability to instant recall to the Colours continues.

11. I should be glad to be informed whether your Ministers concur in the above proposals of the Army Council.

I have, &c.,
DEVONSHIRE.

38003

No. 180.

COMMONWEALTH OF AUSTRALIA.
THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by Nos. 186 and 190.]

(No. 413.)

MY LORD,

Downing Street, 30th October, 1923.

I HAVE the honour to request Your Excellency to inform your Ministers that the Army Council have given careful consideration to your despatch No. 197 of the 13th May, 1922,† regarding the position of officers holding commissions in the British Army who are domiciled in the Commonwealth of Australia, and that, subject to the considerations set out in paragraph 3 of this despatch, they see no objection to an officer holding a commission in the Commonwealth Forces concurrently with his commission in the British Army.

2. With regard to the disposal of such officers in the event of war the Army Council would probably wish to recall for service with the British Army a certain limited number of officers who are in receipt of retired pay, whose names would be communicated to your Government in advance, but subject to this they are prepared to surrender to the Commonwealth Government the first call on the services of officers of the Reserve of Officers who are permanently resident in Australia, should your Government consider that the services of these officers would be of value to the Commonwealth.

* Not printed here. † No. 178.

3. In the event of the decision of your Government on this question being in the affirmative, the Army Council are of the opinion that only those officers of the Regular Army Reserve of Officers domiciled in the Commonwealth who are in receipt of retired pay from United Kingdom funds, should remain in the Regular Army Reserve of Officers. Steps would consequently be taken to inform all those officers otherwise situated that they will relinquish their British Army commissions.

4. The Council would make any reduction of retired pay of officers called up by the Commonwealth Government conform to the regulations in force for officers recalled for service with the British Army, and in no case would any service performed with the Commonwealth Forces count towards increase of pension, gratuity, or any other advantages that might be given from United Kingdom funds for service with the British Army.

To enable the Army Council to carry out this proposal they would be glad if arrangements can be made to notify them of the dates on which such officers commence and cease to draw pay from Commonwealth funds.

5. The Army Council would also inform all officers in receipt of retired pay, who are residing or intend to reside permanently in the Commonwealth, of their liability for service in the Commonwealth Forces, and the financial consequences so far as His Majesty's Government are concerned. For this purpose I should be glad if you would request your Ministers to furnish a detailed statement regarding this liability of service.

6. The above arrangements would apply only to officers domiciled in the Commonwealth, and you should invite the attention of your Ministers to the fact that the Army Council desire that all officers who are temporarily resident but not domiciled in the Commonwealth should be liable to recall by the War Office.

7. A further communication will be addressed to you with regard to officers of the Territorial Army and officers of the Indian Army.

8. I should be glad if you would also inform your Ministers that as regards men of the Army Reserve who are domiciled in the Commonwealth, the position is as follows:—

Prior to the 11th November, 1919, Army Reservists were permitted to reside abroad permanently, and if resident in a Dominion or Colony in which there was an Imperial Garrison, drew their reserve pay. From the 11th November, 1919, Reservists wishing to reside outside the United Kingdom have been discharged and such men have no military obligation so far as His Majesty's Government are concerned. It has recently been decided, however, that a Reservist who wishes to reside permanently outside the United Kingdom is not to be discharged, but is to be given leave without pay during the period of such residence abroad. While so resident, such Reservists will not be recalled to the Colours, but should he return to this country before his reserve service expires he will receive reserve pay and will be liable to recall to the Colours. A copy of Army Order No. 451 of November, 1922,* setting forth this arrangement is enclosed.

9. As it is not intended to enforce any reserve liability in the case of an Army Reservist granted permission to reside permanently outside the United Kingdom, the Army Council will have no objection to any such Reservist who may be domiciled in the Commonwealth being utilized in the Commonwealth Forces, if his services are required.

10. The foregoing paragraphs with regard to men of the Army Reserve do not apply to those who obtain permission to proceed outside the United Kingdom as a temporary measure. In such cases, provided that the period outside the United Kingdom does not exceed twelve months, reserve pay is issued and liability to instant recall to the Colours continues.

11. I should be glad to be informed whether your Ministers concur in the above proposals of the Army Council.

I have, &c.,
DEVONSHIRE.

* Not printed here.

38003

No. 181.

778

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 183.]

(No. 280.)

SIR,

Downing Street, 30th October, 1923.

WITH reference to Your Royal Highness's despatch No. 523 of the 23rd September, 1922,* I have the honour to request you to inform your Ministers that the Army Council have given careful consideration to the position of officers of the Regular Army Reserve of Officers and men of the Army Reserve who are domiciled in the Union of South Africa.

2. The Army Council agree that in time of war the services of officers of this category may be utilized by the Union Government for the defence of the Union, or for service in the prevention and suppression of internal disorder, on the understanding that the Minister of Defence will agree to the recall by the Army Council of any officers drawing retired pay from United Kingdom funds who may be required for service with the British Army. The Council will not, however, recall any such officers domiciled in the Union unless the Union Government has previously been informed that the services of these officers will be required, and has granted them exemption in accordance with paragraph 6 of Minister's minute enclosed with your despatch under reference. As desired by your Government, a list of officers likely to be required will be prepared and forwarded to you shortly. The Council understand, however, that this arrangement will not apply to officers who are temporarily resident and not domiciled in the Union, and that all these will remain liable to recall without prior reference to your Government.

3. Any reduction of the retired pay of officers called up for service by the Union Government in accordance with the preceding paragraph will conform to the Regulations in force for officers recalled for service with the British Army, and in no case will any service performed with the Union Forces count towards increase of pension and gratuity or any advantages that might be given from United Kingdom funds for service with the British Army.

To enable the Army Council to make any reduction in retired pay which may be necessary, they would be glad if arrangements could be made to notify them of the dates on which such officers commence and cease to draw pay from Union funds.

4. All officers on retired pay who are resident in South Africa or intend to reside there will be informed that they are liable to render military service in the Union Defence Forces in the event of war, or for the prevention and suppression of internal disorder, and of the financial consequences in so far as His Majesty's Government are concerned.

5. I should be glad if you would also inform your Ministers that the Army Council have decided that no citizen of the Union of South Africa will in future be appointed to a commission in the Regular Army Reserve of Officers, and that all officers of the Regular Army Reserve of Officers, domiciled in the Union who are not in receipt of retired pay from British Army funds, will be informed that they will relinquish their British Army commissions.

6. As regards men of the Army Reserve, the Army Council state that prior to the 11th of November, 1919, Army Reservists were permitted to reside abroad permanently, and, if resident in a Dominion or Colony in which there was an Imperial Garrison, drew their reserve pay. From the 11th November, 1919, Reservists wishing to reside outside the United Kingdom have been discharged and such men have no military obligation so far as His Majesty's Government are concerned. It has recently been decided, however, that a Reservist who wishes to reside permanently outside the United Kingdom is not to be discharged but is to be given leave without pay during the period of such residence abroad. While so resident, he will not be recalled to the Colours, but should he return to this country before his reserve service expires, he will receive reserve pay and will be liable to recall to the Colours. A copy of Army Order No. 451 of November, 1922,† setting forth this arrangement is enclosed.

* No. 68 in Dominions No. 82.

† Not printed here.

7. As it is not intended to enforce any reserve liability in the case of an Army Reservist granted permission to reside permanently outside the United Kingdom, the Army Council will have no objection to any such Reservist who may be domiciled in the Union being utilized in the Union Defence Forces, if his services are required.

8. The foregoing paragraphs with regard to men of the Army Reserve do not apply to those who obtain permission to proceed outside the United Kingdom as a temporary measure. In such cases, provided that the period outside the United Kingdom does not exceed twelve months, reserve pay is issued and liability to instant recall to the Colours continues.

9. A further communication will be addressed to you with regard to officers of the Indian Army and of the Territorial Army. It would appear that officers of the latter Forces are the only members of His Majesty's Auxiliary Military Forces who are likely to be domiciled in the Union in any appreciable numbers.

10. I should be glad to be informed whether your Ministers concur in the above proposals of the Army Council.

I have, &c.,
DEVONSHIRE.

59773

No. 182.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 185, 187, 188, 190 and 192.]

(Canada No. 34.)
(Commonwealth of Australia No. 27.)
(New Zealand No. 20.)
(Union of South Africa No. 23.)
(Newfoundland No. 8.)

[MY LORD.] [SIR,]

Downing Street, 18th January, 1924.

WITH reference to my despatch [No. 520,*] [413,†] [225,*] [280,‡] [123,*] of the 30th of October, [To Australia only: and to Your Excellency's despatch No. 197 of the 13th of May, 1922,§] regarding the position of officers holding commissions in the British Army who are domiciled in [Canada,] [the Commonwealth of Australia,] [New Zealand,] [the Union of South Africa,] [Newfoundland,] I have the honour to request [Your Excellency,] [you,] to inform your Ministers that I have now consulted the Secretary of State for India on the subject of the position of British officers of the Indian Army resident in the Dominions.

2. With regard to officers of the Indian Army on leave from India and temporarily resident in the Dominions at the outbreak of war, it is proposed that orders should be issued to such officers to rejoin their units or appointments forthwith. It is also proposed that the Government of India should have the first call on the services of officers of the Army in India Reserve of Officers who may be on leave from India and temporarily resident in the Dominions.

3. With regard to officers who have retired on pension from the Indian Army and are permanently resident in the Dominions at the outbreak of war, it is desired that the services of these officers should, in view of the special nature of the training required for service with the Indian Army, be placed at the disposal of the Government of India in the first instance. This arrangement would not apply to the junior officers of the Indian Army who have been retired with gratuities as "surplus" under the Royal Warrants of the 25th April, 1922, and the 25th April, 1923, as these officers are not in any circumstances under any liability for further service in the Indian Army.

4. The services of officers of the Army in India Reserve of Officers who may be residing permanently in the Dominions at the outbreak of war, would be at the disposal of the Dominion Governments, and there would be no objection to such officers being granted commissions in Dominion Forces, though it is considered that in that event they should relinquish their commissions in the Army in India Reserve of Officers.

* No. 179. † No. 180. ‡ No. 181. § No. 178.

5. The position with regard to the retired pay or pension of any retired officer of the Indian Service who might be employed by a Dominion Government, would be the same as if the officer had been recalled for service with the Indian Army except that any service performed with the Dominion Forces would not count towards any increase of pension or retired pay, gratuity or any other advantages which might be given from Indian funds to officers recalled for service with the Indian Army.

6. I should be glad to be informed whether your Ministers concur in the above proposals.

7. A similar despatch is being addressed to the Governor-General of [Canada,] [the Commonwealth of Australia,] [New Zealand,] [the Union of South Africa,] [the Governor of Newfoundland.]

I have, &c.,
DEVONSHIRE.

8159

No. 183.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 19th February, 1924.)

(No. 32.)

SIR,

Governor-General's Office, Cape Town, 31st January, 1924.

WITH reference to the Duke of Devonshire's despatch No. 280 of the 30th October,* I have the honour to transmit to you, herewith, a copy of a minute from my Ministers regarding the position of officers of the Regular Army Reserve of Officers and men of the Army Reserve who are domiciled in the Union of South Africa.

I have, &c.,
ATHLONE,
Governor-General.

Enclosure in No. 183.

Prime Minister's Office, 26th January, 1924.

MINUTE 52.

MINISTERS have the honour to state, with reference to His Royal Highness the Governor-General's minute No. 1/1369 dated 23rd November, 1923, transmitting despatch No. 280 from the Secretary of State for the Colonies, that they concur in the proposals of the Army Council on the subject of the position of officers of the Regular Army Reserve of Officers and men of the Army Reserve who are domiciled in the Union of South Africa.

With particular reference to paragraph 5 of the despatch, Ministers would be glad if those officers concerned could be advised that it is open to them to apply for commissions in the Union Defence Forces Reserve of Officers on relinquishing their British Army commissions. Formal applications for appointment should be addressed to the Adjutant-General, Union Defence Forces, Defence Headquarters, Pretoria.

J. C. SMUTS.

* No. 181.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17th March, 1924.)

(No. 13.)

SIR,

Government House, Wellington, 1st February, 1924.

I HAVE the honour to acknowledge the receipt of the Duke of Devonshire's despatch No. 225 of the 30th October, 1923,* concerning the position, in the event of war, of officers and men of the Regular Army Reserve.

2. My Ministers note, with satisfaction, the decision of the Army Council to allow certain officers of the Regular Army Reserve of Officers and certain other ranks of the Army Reserve domiciled in New Zealand to serve in the New Zealand Forces.

3. In the event of war in which New Zealand becomes involved on a large scale, my Government would be glad to accept the services of the officers and other ranks referred to, in so far as they could be absorbed. It is considered there would be difficulty in absorbing officers of senior rank, but no difficulty is anticipated in absorbing all who may be available in ranks not higher than Major in the Infantry or Captain in other arms of the service, but no guarantee could be given in this respect.

4. Arrangements will be made, as requested in paragraph 4 of the despatch under reply, to notify the Army Council of the dates on which officers concerned commence and cease to draw pay from Dominion funds.

5. The liability to serve in the New Zealand Forces is as follows:

(i) Under the provisions of the New Zealand Defence Act, all males between the ages of 17 and 55 years, who have resided in New Zealand for six months, are liable to be called up, in case of emergency, for service within New Zealand only, unless they have previously volunteered to serve abroad.

Retired officers of His Majesty's Naval or Military Forces cannot, however, be called upon to serve in a lower rank than they held in such service.

The New Zealand Permanent Forces are liable to serve abroad.

It is presumed that the liability of officers of the Regular Army Reserve of Officers to be called up for service in any part of the world will still apply to such officers domiciled in New Zealand, and that the War Office could, in time of emergency, order such officers to serve in the New Zealand Forces either in New Zealand or abroad.

(ii) If, in the event of another war, a Military Service Act, making service abroad universal and compulsory, is again enacted, as was done in the War of 1914-19, Reservists would, under such legislation, be liable to serve with the New Zealand Forces abroad.

(iii) The officers concerned would not be liable to be called up for training except on mobilization, unless they belong to or are attached to the New Zealand Reserve of Officers, in which case they would be liable to one annual training of eleven days in camp every third year.

In this connexion, my Government suggests:

(a) That the War Office instruct all officers concerned, that in the event of war they should report in writing to Defence General Headquarters, Wellington, for instructions;

(b) That the New Zealand Government be authorized to employ such of these officers as may be found convenient, with the exception of those referred to in paragraph 2 of the Duke of Devonshire's despatch, whom the War Office wishes to recall, and

(c) That with regard to the remainder, the New Zealand Government should communicate with the War Office as to their disposal.

6. It is thought that it will not be necessary to grant a commission in the New Zealand Forces to officers concerned, as they could be attached and serve by virtue of their original commission.

* No. 179.

7. The reference to the liability to recall, by the War Office, of officers temporarily domiciled in New Zealand, and the remarks concerning men of the Army Reserve, are noted by my Government.

I have, &c.,

JELLICOE,

Governor-General.

15046

No. 185.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 29th March, 1924.)

(No. 29.)

SIR,

Government House, St. John's, 10th March, 1924.

I HAVE the honour to acknowledge the receipt of your despatch No. 8 of the 18th January,* on the subject of the position of officers holding commissions in the British Army who are domiciled in Newfoundland, and with particular reference to the position of such officers of the Indian Army resident in this Colony, and to inform you that my Ministers concur in the proposals outlined in your despatch.

I have, &c.,

W. L. ALLARDYCE.

15247

No. 186.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st March, 1924.)

(No. 34.)

SIR,

Governor-General's Office, Melbourne, 22nd February, 1924.

WITH reference to your predecessor's despatch dated 30th October, 1923, No. 413,† regarding the position of officers holding commissions in the British Army who are domiciled in Australia, I have the honour to inform you that the Commonwealth Government concurs in the Army Council's proposals contained in that despatch.

With regard to the grant of commissions in the Australian Military Forces to officers who are not in receipt of retired pay, the Commonwealth Military Board would inform such officers at the time, as suggested in paragraph 3 of the despatch under reference, that it would be necessary for them to relinquish their commissions in the British Army. The Military Board would also take steps to communicate to the Army Council the names of officers appointed to the Commonwealth Forces subject to the fulfilment of this condition.

In connexion with the statement in paragraph 4 of the Duke of Devonshire's despatch, that the Army Council would make any reduction of retired pay of officers called up by the Commonwealth Government conform to the Regulations in force for officers recalled for service with the British Army, the Minister for Defence presumes that no reduction would operate by reason of employment in peace training in the Australian Citizen Forces for non-continuous periods, amounting under the present Act approximately to sixteen days per annum. I should be glad to learn whether this view is correct. Arrangements would be made to inform the Army Council of the dates on which officers commence and cease to draw pay from Commonwealth funds.

With reference to the Army Council's request to be furnished with a detailed statement regarding liability for service in Australia, I forward, herewith, a copy of the Commonwealth Defence Act, 1903-18,‡ and would invite attention to Sections 125(c), 125(d) and 127 (I) (c) thereof; and in respect of a time of war, to

* No. 182. † No. 180. ‡ Not printed here.

Sections 46 and 47 for members of the Citizen Forces, and to 59 and 60 for non-members. Attention is also invited to the remote liability prescribed in Section 51. It is noted that a further communication will be addressed to me respecting officers of the Territorial Army and officers of the Indian Army.

I have, &c.,
FORSTER,
Governor-General.

16851

No. 187.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th April, 1924.)

(No. 116.)

SIR, Governor-General's Office, Cape Town, 20th March, 1924.
I HAVE the honour to transmit to you herewith, with reference to the Duke of Devonshire's despatch No. 23 of the 18th January, 1924,* and to my despatch No. 32 of the 31st January, 1924,† copy of Ministers' minute on the subject of the position of British officers of the Indian Army resident in the Union of South Africa.

I have, &c.,
ATHLONE,
Governor-General.

Enclosure in No. 187.

Prime Minister's Office, Capetown, 18th March, 1924.

MINUTE 193.

MINISTERS have the honour to acknowledge receipt of His Excellency the Governor-General's minute No. 1/1360 dated the 12th February, 1924, on the subject of the position of British Officers of the Indian Army resident in the Dominion, and to state that they concur in the proposals contained in paragraphs 2, 4 and 5 of despatch No. 23 from the Secretary of State for the Colonies.

Ministers are also prepared to meet the desires expressed in paragraph 3 of the despatch, on conditions similar to those agreed upon in the case of officers of the Regular Army Reserve of Officers, and referred to in their minute No. 52 dated 26th January, 1924.

Ministers would be glad to be furnished with a list of officers retired from the Indian Army, who are permanently resident in the Union and whose services would be required by the Government of India.

J. C. SMUTS.

21033

No. 188.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd May, 1924.)

(No. 59.)

SIR, Government House, Wellington, 21st March, 1924.
I HAVE the honour to inform you that my Ministers advise me that the New Zealand Government concur in the proposals contained in the Duke of Devonshire's despatch No. 20 of the 18th January,* on the subject of the position of British officers of the Indian Army resident in New Zealand.

I have, &c.,
JELLICOE,
Governor-General.

* No. 182. † No. 183.

18294

No. 189.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada No. 179.)
(Commonwealth of Australia No. 161.)
(New Zealand No. 76.)
(Union of South Africa No. 130.)
(Newfoundland No. 63.)

[MY LORD,] [SIR,]

Downing Street, 3rd May, 1924.

WITH reference to my predecessor's despatch No. [34,] [27,] [20,] [23,] [8,] of the 18th January last,* I have the honour to request [Your Excellency,] [you,] to inform your Ministers that it has since been decided to arrange for the inclusion in the Regulations for the Army in India Reserve of Officers of a rule to the effect that an officer of that Reserve should relinquish his commission in that Reserve if he becomes permanently resident in a Dominion.

2. I am informed that no commissions in the Army in India Reserve of Officers had been granted up to the early part of this year to gentlemen residing permanently in a Dominion.

I have, &c.,
J. H. THOMAS.

26197

No. 190.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd June, 1924.)

(No. 83.)

SIR, Governor-General's Office, Melbourne, 15th April, 1924.
WITH reference to your predecessor's despatches dated 18th January, 1924, No. 27,* and 30th October, 1923, No. 413,† regarding the position of officers of the Indian Army and the British Army respectively, who are domiciled in Australia, I have the honour, at the instance of my Prime Minister, to inform you that the Commonwealth Government would be glad if arrangements could be made whereby officers of the British Army and the Indian Army, not on the Active List, and permanently resident in Australia, need not be required to relinquish their commissions in the respective armies on being granted a commission in the Commonwealth Citizen Military Forces. The services of officers with experience in the British and Indian Armies are of value in the training of the Citizen Forces, but these officers, though otherwise willing to do so, are reluctant to offer themselves for service in the Commonwealth Citizen Forces when the relinquishment of their former commissions is made a necessary condition.

My Prime Minister informs me that the retention of their former commissions by officers of the British Army and the Indian Army, who are permanently resident in Australia and are granted commissions in the Commonwealth Citizen Forces, would not affect the question of the Commonwealth Government's concurrence in placing at the disposal of the British Army and the Indian Army, respectively, on the outbreak of war, those officers whose services are so requested in the two despatches mentioned above. If it should be necessary, arrangements could be made to grant only temporary commissions to those officers who are permitted to retain their commissions in the British or the Indian Army, but in many respects it is desirable that the commissions granted should not be temporary.

The officers granted commissions in the Commonwealth Citizen Forces would receive the pay of their rank for the number of days of the annual training performed by them.

I have, &c.,
FORSTER,
Governor-General.

* No. 182. † No. 180.

30167

No. 191.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 25th June, 1924.)

(No. 260.)

SIR, Government House, Ottawa, 16th June, 1924.
 WITH reference to the Duke of Devonshire's despatch No. 520 of the 30th October, 1923,* on the subject of the position, in the event of war, of officers of the Regular Army Reserve of Officers and men of the Army Reserve who are domiciled in the Dominions, I have the honour to inform you that the Government of Canada concur in the proposals of the Army Council set forth in the despatch under reference.

With regard to paragraph 5 of the said despatch I may state that, in so far as the Canadian Government is concerned, there is no liability at the present time.

I have, &c.,
 BYNG OF VIMY.

47829

No. 192.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10th October, 1924.)

(No. 415.)

SIR, Government House, Ottawa, 30th September, 1924.
 WITH reference to your despatch No. 34 of the 18th January last,† on the subject of the position of British Officers of the Indian Army resident in the Dominions, I have the honour to represent that the Department of National Defence states that it concurs in the proposals contained in paragraphs 2, 3, 4 and 5 of the despatch under reference.

I have, &c.,
 BYNG OF VIMY.

D. REGIMENTAL ALLIANCES.

13794

No. 193.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 195, 196, 197 and 199.]

(Canada. Confidential (2).)

(Commonwealth of Australia.

(Union of South Africa.

(Newfoundland.

} Confidential.)

[MY LORD,] [SIR,]

Downing Street, 6th May, 1924.

I HAVE the honour to request [Your Excellency,] [you,] to inform your Ministers that the Army Council have had under consideration the rules governing alliances between regiments of the Local Forces of the self-governing Dominions and regiments of the Regular Army and the Territorial Army.

2. These rules, which were drawn up in 1910 on the basis of Colonial Defence Committee Memorandum, No. 408 M, of the 21st of July, 1909, copies of which were enclosed in Lord Crewe's Confidential despatch of the 16th December, 1909,‡ are as follows:—

* No. 179. † No. 182. ‡ 37989/09: not printed; it enclosed copies of Colonial Defence Committee Memorandum 408M containing the rules regarding alliances of regiments.

782

(I) Applications for alliances made through the Dominion Governments should only be encouraged between Units of the same arm having some common associations.

(II) Only one Unit of the Forces of each self-governing Dominion should, as a rule, be allied to the same regiment, facilities being given to officers and men of the Dominion Unit who visit the station of the allied Unit to be attached to and trained with that Unit.

3. Owing to the altered conditions resulting from the Great War and the reorganization of the various Dominion Forces, the Army Council consider that the rules governing alliances should be amended in so far that the restriction of only one Unit of the Forces of each Dominion being allied to the same regiment should be removed, and that if a Dominion Regiment wishes to be allied to more than one Imperial Regiment, or vice versa, such alliances should be sanctioned.

4. I should be glad to receive an expression of your Ministers' views on the suggested amendment of the rules.

I have, &c.,
 J. H. THOMAS.

13794

No. 194.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 198.]

(Confidential.)

MY LORD, Downing Street, 6th May, 1924.

WITH reference to Your Excellency's despatch No. 214 of the 16th of August, 1923,* and to my telegram of the 11th of April,† regarding alliances between regiments of the New Zealand Military Forces and Imperial Units, I have the honour to request you to inform your Ministers that the Army Council have had under consideration the general question of the rules governing alliances between regiments of the Local Forces of the self-governing Dominions and regiments of the Regular Army and Territorial Army.

2. These rules, which were drawn up in 1910 on the basis of Colonial Defence Committee Memorandum No. 408 M, of 21st July, 1909, copies of which were enclosed in Lord Crewe's Confidential despatch of the 16th December, 1909,‡ are as follows:—

(I) Applications for alliances made through the Dominion Governments should only be encouraged between Units of the same arm having some common associations.

(II) Only one Unit of the Forces of each self-governing Dominion, should, as a rule, be allied to the same regiment, facilities being given to officers and men of the Dominion Unit who visit the station of the allied Unit to be attached to and trained with that Unit.

3. In connexion with the request that the alliance of the Wiltshire Regiment to the 10th (North Otago) Regiment may be annulled, as this regiment has been merged into the Otago Regiment which is already affiliated to the East Surrey Regiment, the Army Council state that on informing the Colonel of the Wiltshire Regiment of this request this officer has replied that all ranks of his regiment regret that it has been found necessary to cancel this affiliation, and also that he considers that such affiliations may render great help in the question of mutual assistance to emigrating soldiers of the Imperial Army to the Dominions.

4. In view of the above considerations and of the altered conditions resulting from the Great War and the reorganization of the various Dominion Forces, the Council consider that the rules governing alliances should be amended in so far that the restriction of only one Unit of the Forces of each Dominion being allied to the same regiment should be removed, and that if a Dominion Regiment wishes to be allied to more than one Imperial Regiment, or vice versa, such alliances should be sanctioned.

* 47652/23: not printed; it contains certain proposals as to alliances of particular regiments.

† 13794/24: not printed; it conveyed an interim reply. ‡ 37989/09: not printed; it enclosed copies of Colonial Defence Committee Memorandum 408M containing the rules regarding alliances of regiments.

5. I should be glad to receive an expression of the views of your Ministers on the suggested amendment of the rules.

6. In view of these proposals the questions raised in your despatch under reply will be held in abeyance until a decision has been reached concerning alliances in general.

I have, &c.,
J. H. THOMAS.

28493

No. 195.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 16th June, 1924.)

[Answered by No. 200.]

(Confidential.)

SIR, Government House, St. John's, 31st May, 1924.
I HAVE the honour to acknowledge the receipt of your Confidential despatch of the 6th instant* on the subject of the rules governing alliances between regiments of the Local Forces of the self-governing Dominions and regiments of the Regular Army and the Territorial Army.

2. In view of the fact that the Royal Newfoundland Regiment has been disbanded, making the question one in which Newfoundland is not concerned, my Ministers do not wish to express any views on the suggested amendment of the Rules.

I have, &c.,
W. L. ALLARDYCE.

29012

No. 196.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th June, 1924.)

[Answered by No. 200.]

(Confidential.)

SIR, Government House, Ottawa, 9th June, 1924.
WITH reference to your Confidential despatch of the 6th May,* I have the honour to inform you that the Canadian Government concur in the amendment to the rules governing alliances between regiments of the Local Forces of the self-governing Dominions and regiments of the Regular Army and the Territorial Army, as follows:—

"That the restriction of only one Unit of each Dominion being allied to the same regiment should be removed, and that if a Dominion Regiment wishes to be allied to more than one Imperial Regiment, or vice versa, such alliance should be sanctioned."

I have, &c.,
BYNG OF VIMY.

34610

No. 197.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21st July, 1924.)

[Answered by No. 200.]

(Confidential.)

SIR, Governor-General's Office, Pretoria, 30th June, 1924.
I HAVE the honour to transmit to you herewith, with reference to your despatch Confidential of the 6th May, 1924,* Ministers' Minute on the subject of

* No. 193.

the rules governing alliances between regiments of the Local Forces of the self-governing Dominions and regiments of the Regular Army and the Territorial Army.

I have, &c.,
ATHLONE,
Governor-General.

783

Enclosure in No. 197.

(Confidential.)

Office of the Prime Minister, Pretoria, 27th June, 1924.

MINUTE No. 488.

MINISTERS have the honour to acknowledge the receipt of His Excellency the Governor-General's Confidential Minute 1/1402 of the 30th May covering despatch dated 6th May from the Secretary of State for the Colonies and in reply to state that there is no objection to the proposed amendment of the rules governing the alliance between regiments of the Local Forces of the self-governing Dominions and regiments of the Regular Army and Territorial Army.

J. C. SMUTS.

40242

No. 198.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th August, 1924.)

[Answered by No. 200.]

(Confidential.)

SIR, Government House, Wellington, 18th July, 1924.
I HAVE the honour to inform you that my Ministers advise me that they are of the opinion that the Rules governing Regimental Alliances should be amended, as indicated in your Confidential despatch of the 6th May last.*
2. Ministers add that the Canterbury Regiment desires to be allied to both the Queen's Own Royal West Kent Regiment, as well as to the Durham Light Infantry, and that the Otago Regiment wishes to be allied to both the Wiltshire Regiment and the East Surrey Regiment. The alliance of the Durham Light Infantry with the Canterbury Regiment does not affect the application of the Nelson, Marlborough and West Coast Regiment to be allied to that Imperial Unit, as conveyed in List "A" enclosed in my despatch No. 214 of the 16th August, 1923.†

I have, &c.,
JELLICOE,
Governor-General.

42817

No. 199.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th September, 1924.)

[Answered by No. 200.]

(Confidential.)

SIR, Governor-General's Office, Melbourne, 24th July, 1924.
REFERRING to your Confidential despatch dated 6th May, 1924,† relative to the rules governing alliances between regiments of the Local Forces of the self-governing Dominions and regiments of the Regular Army and the Territorial Army, I have the honour to inform you that I am advised by my Prime Minister that the

* No. 194. † 47652/23: not printed; it contained certain proposals as to alliances of particular regiments. ‡ No. 193.

proposed amendment of the rules, which provides for the removal of the restriction of only one unit of the Forces of each Dominion being allied to the same regiment, is acceptable to the Commonwealth Government.

I have, &c.,
FORSTER,
Governor-General.

52405

No. 200.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Confidential.)

[MY LORD,] [SIR,]

Downing Street, 12th November, 1924.

I HAVE the honour to acknowledge the receipt of [Your Excellency's Confidential despatch of the 9th of June,*] [Your Excellency's Confidential despatch of the 24th of July,†] [Your Excellency's Confidential despatch of the 18th of July,‡] [Your Excellency's Confidential despatch of the 30th of June,§] [your Confidential despatch of the 31st of May,||] and to request you to inform your Ministers that His Majesty has been pleased to approve the annulment of the restriction that only one Unit of the Forces of each Dominion should be allied to a Unit of the British Army and vice versa.

I have, &c.,
L. S. AMERY.

NAVAL AND MILITARY.

IRISH FREE STATE.

Position of British Naval and Military Reservists Resident in the Irish Free State.

38568

No. 201.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 202.]

(No. 465.)

SIR,

Downing Street, 4th August, 1923.

I HAVE the honour to state that His Majesty's Government are desirous of arriving at certain decisions in regard to the future position of Naval and Military Reservists resident in the Irish Free State; and to request that you will lay the following considerations before your Ministers.

2. The category of Naval Reservists in respect of whom it is desired to come to an understanding with your Government is that of men of the Royal Naval Reserve. Until recently, local officers of the Board of Trade and the Board of Customs and Excise acted as Registrars of the Royal Naval Reserve in Free State territory; their duties comprised the recruiting of eligible men for the reserve, the examination, enrolment, and re-enrolment of candidates, the despatch of men for periodical training, their mobilization for active service when called out by Proclamation, the keeping of records, and the payment of retainers in accordance with the Regulations.

3. Since the transfer to your Government of the powers of the Board of Trade and Board of Customs and Excise, it has, of course, not been possible for these functions to be exercised by the local officers of those Departments; and, unless some

* No. 196. † No. 199. ‡ No. 198. § No. 197. || No. 195.

equivalent arrangement can be made, the hitherto existing organization of the Royal Naval Reserve in the Free State must inevitably lapse. Your Ministers will no doubt agree that such a result is to be deprecated, both from the point of view of the efficiency of the Navy, and in the interests of the men themselves whom the disbandment of the Royal Naval Reserve would involve in some pecuniary loss.

4. His Majesty's Government will accordingly be glad to learn whether your Ministers can see their way to co-operate in a scheme whereby the functions described in paragraph 2 above should be undertaken by those officers who are now performing the duties previously exercised by the personnel of the British Departments appointed as Registrars of the Royal Naval Reserve. Should your Ministers find themselves able to agree to the principle suggested, details of the scheme could be elaborated in subsequent correspondence.

5. A somewhat analogous position exists in relation to British Army Reservists resident in the Free State. There are at present about 2,200 such Reservists, and their aggregate Reserve pay amounts to about £40,000 a year. They are liable in law to re-join the Colours when called out for permanent service on emergency, and they are also liable to be called up for annual training. If they fail to make good either liability, they are in law guilty of desertion, and of absence without leave, respectively.

6. It is obvious that, whilst a large number of these Reservists would no doubt be willing to fulfil their obligations spontaneously, His Majesty's Government will now have to depend for the machinery of calling them up, and for enforcing the law against any recalcitrants, upon the goodwill and co-operation of your Ministers. I shall be glad to be informed whether your Ministers are prepared to give an assurance of their willingness to co-operate, and whether, in their opinion, any legislation on the part of your Government will be necessary to empower them to take the necessary measures.

I have, &c.,
DEVONSHIRE.

22870

No. 202.

IRISH FREE STATE.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th May, 1924.)

[Answered by No. 203.]

(No. 184.)

SIR,

Vice Regal Lodge, Dublin, 13th May, 1924.

I HAVE the honour to refer to the Duke of Devonshire's despatch No. 465 of the 4th August last* and subsequent correspondence relative to the future position of British Naval and Military Reservists resident in the Irish Free State, and to express regret for any inconvenience caused to His Majesty's Government by the delay in replying thereto.

2. In view of the altered conditions following the enactment of the Constitution of the Free State, my Ministers consider that, under any scheme in connexion with the matter, arrangements should be made whereby existing Reservists would be given the option of withdrawing from their obligations as such or of intimating their desire to continue them.

3. As regards Royal Naval Reservists, my Ministers are prepared to co-operate in a scheme instituting arrangements similar to those referred to in paragraph 2 of His Grace's despatch. They would propose, however, that the regulations governing these Reservists should be such as to permit their absorption, if desired, into such Force, if any, as it might be decided to raise for coastal defence on the termination of the period of five years specified in Article 6 of the Treaty of the 6th December, 1921. It would be desirable therefore that any arrangements that may be made in regard to these Reservists should be subject to review at the end of that period.

* No. 201.

4. My Ministers are also prepared to consider favourably a scheme for the setting up of machinery for the purpose of calling up Naval and Military Reservists when required. As regards the enforcement of the law against recalcitrants, my Ministers would suggest that the apprehension of such persons would best be effected by the police forces of the Free State, who would arrange to hand them over to the proper authorities of His Majesty's Government.

5. As to the necessity for my Ministers seeking legislative power to enable them to take any action that may be required in connexion with the desired co-operation, they will not be in a position to arrive at an opinion until the details of the scheme mentioned above have been settled.

I have, &c.,
T. M. HEALY.

41753

No. 203.

IRISH FREE STATE.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 526.)

SIR, Downing Street, 5th September, 1924.

I HAVE the honour to state, for the information of Your Excellency's Ministers, that the views expressed in your despatch No. 184 of the 13th May,* in regard to the position of British Naval and Military Reservists resident in the Irish Free State have been communicated to the Lords Commissioners of the Admiralty and the Army Council, and have also been brought to the attention of the Air Council.

2. The Army Council's observations on the question are embodied in a Memorandum of which a copy is enclosed. They further state that they have noted with much satisfaction the willingness of the Irish Free State Government to assist them in calling up the British Military Reservists on emergency, and desire to express their thanks for the attitude adopted by your Ministers in the matter.

3. I shall address a further communication to you on receipt of the Admiralty's views in regard to Naval Reservists. In the meantime your Ministers may wish to give their consideration to the points raised by the Army Council in the accompanying Memorandum.

I have, &c.,
(For the Secretary of State),
HENRY LAMBERT.

Enclosure in No. 203.

MEMORANDUM REGARDING SUGGESTED ARRANGEMENTS TO BE MADE FOR CALLING UP BRITISH MILITARY RESERVISTS RESIDENT IN THE IRISH FREE STATE.

1. It appears desirable to the Army Council that the normal arrangements in force in the case of Reservists resident in this country should be adhered to, so far as possible, in the case of Reservists resident in the Irish Free State especially in view of the fact that, owing to the proximity of the Free State, there are no physical difficulties in the way of applying this system. Under these arrangements, names and addresses of all Reservists, including those resident in the Free State, are kept by the officers in charge of (Regimental) Records in this country, and it is the duty of these officers, when general or partial mobilization is ordered, to send by post to each Reservist, in a special envelope, the official "notice to join."

2. This notice, in the case of a partial mobilization, is accompanied (a) by a travelling warrant, which the Reservist presents at the railway station in order to obtain a ticket to the place of joining, and (b) by a money order which he can cash at a post office in order to obtain funds for the incidental expenses of his journey.

3. In the case of a general mobilization, the travelling warrant and money order are not sent with the notice to join, but the man holds, in peace, with his

* No. 202.

identity certificate, similar forms which he can in that case use in the same way. Further, in the case of general mobilization, although the notice to join is sent, the man (who is in possession of standing instructions as to his place of joining on emergency) is expected to act at once, not on this individual notice, but on press notices and posters exhibited at police stations, post offices, etc.

4. It will be seen that under these arrangements the matter lies almost entirely between the military authorities in this country and the individual Reservist, and that in the case of a willing Reservist the civil authorities have only to co-operate by understanding and using a few simple forms. In the case of an unwilling Reservist, or of one whose joining might possibly be interfered with by his neighbours, the civil authorities and particularly the police might have more trouble, so that it might be desirable to conceal as far as possible the nature of the instructions sent, e.g., by the use of an ordinary plain envelope to enclose the notice. In this connexion, the Council would observe that they concur with President Cosgrave's Government in thinking that recalcitrants should be arrested by the Irish Free State police and handed over by them to the authorities of His Majesty's Government.

5. The Council will be glad to have the advantage of the observations of the Irish Free State Government on the above, with suggestions for any modifications of the normal procedure which may be recommended. In particular they desire to learn whether the Free State Government consider that, in the special conditions which obtain at present in the Free State, the posters could be displayed there when necessary, and if displayed would help and not hinder the mobilization process. In other parts of the British Isles the arrangements for the display of posters are in the hands of the police. Posters are used only in connexion with general, not partial mobilization.

6. In making the above proposals, the Council have assumed that the post offices in the Irish Free State will cash money orders issued by the General Post Office, and that the Railway Companies will accept the travelling warrants referred to, or that it will be possible to make some arrangements to overcome any difficulty which may arise in this respect.

7. With regard to the question of giving existing Army Reservists resident in Ireland the option of release from their obligations, the Council feel bound to say that they would prefer not to offer them this option. It would be difficult to do so in the case of existing Reservists without giving the same option to all Reservists resident in the Irish Free State hereafter. It is already the practice to discharge automatically any Reservist who joins the Irish Free State Army, and the Council, as at present advised, would prefer to make no change.

8. In any event, the Council do not think that under present conditions it is possible to offer an effective option, since no means yet exist of effectively enforcing the Reservist's liability. The fact therefore that a man had declined the option of discharge, and had thereby remained qualified to draw his reserve pay, would at present be no guarantee that he really intended to join on emergency.

AIR.

A. EMPIRE AIR CO-OPERATION.

62705

No. 204.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada. Secret.)

(Commonwealth of Australia. Secret.)

(New Zealand. Secret (2).)

MY LORD,

Downing Street, 16th January, 1924.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying summary of the proceedings of a Conference concerning air training and organization, between [the Chief of the General Staff, Canada,] [the Technical Advisers of the Government of the Commonwealth of Australia]

[the Naval Adviser to the New Zealand Delegation] and the Air Staff, which took place during the course of the recent Imperial Conference.

2. The Air Council would be glad to learn whether your Ministers concur in the recommendations prepared at the Conference.

3. The Council are engaged in the preparation of particulars of the schemes mentioned in the [To Canada: penultimate] [To Australia and New Zealand: last] paragraph of the Report, and these will be forwarded in due course.

I have, &c.,

DEVONSHIRE.

(Secret.)

Enclosure in No. 204 (as sent to Canada).

A CONFERENCE of the Air Staff, Royal Air Force, and the Chief of the General Staff, Canada, was held at the Air Ministry on 31st October, 1923.

The Conference considered in detail proposals for the Organization of the Air Force of Canada and best means by which Canada and home Royal Air Force could render each other mutual assistance to develop and build up the Air Forces of both countries so as to ensure their effective co-operation in the event of war.

The following recommendations were put forward:—

(1) That as far as possible the Royal Canadian Air Force should as a minimum be able to produce in the event of war the following units with types of aeroplanes similar, as far as practicable, to those of the home Royal Air Force:

- 2 Army Co-operation Squadrons.
- 1 Bombing and Reconnaissance Squadron.
- 1 Fighter Squadron.
- 1 Flying Boats or Amphibian Squadron.
- 1 Flight for Cruisers.

The Air Force Staff expressed the opinion that it is more efficient and economical to keep service squadrons and employ them on civil work than it is to have civil squadrons and use them for service purposes when required.

(2) The Royal Canadian Air Force should endeavour to send cadets to be trained at Cranwell, who, after being trained and serving for four years in the Royal Air Force, would return to the Royal Canadian Air Force.

(3) (a) The Royal Canadian Air Force should, if practicable, send boys, airmen and non-commissioned officers to Halton or Cranwell for training who, after being trained, would return to the Royal Canadian Air Force.

(b) That boys and airmen should be enlisted by the home Royal Air Force for the Royal Canadian Air Force, who, after being trained, would be sent out to Canada.

(4) That some Royal Canadian Air Force officers should be sent to the home Royal Air Force to attend courses.

(5) That Canada should, if possible, send suitable candidates to the home Royal Air Force for short service commissions, i.e., for five years, who would, after serving in this country, return to Canada and be taken into the Royal Canadian Air Force reserve (or active list, if desired).

(6) That Canada and the home Royal Air Force should adopt as far as feasible the system of exchange of officers on the same basis as exchanges have been undertaken between that Dominion and the home Army, i.e., by

- Loans,
- Attachments,
- Interchange of Officers.

(7) That the home Royal Air Force and the Royal Canadian Air Force should keep each other informed by means of periodical letters of all particulars which would be of value to the two Services.

(8) In order to keep the home Royal Air Force and the Royal Canadian Air Force in closer touch, that when practicable a Senior Officer from home should be sent out to Canada to study the Royal Canadian Air Force and similarly Senior Officers from Canada should be sent to Great Britain to study the home Royal Air Force.

As regards (1) the Air Ministry undertook to keep the Royal Canadian Air Force informed as regards the types of machines in use or in contemplation with the home Royal Air Force.

As regards (2), (3), (5) and (6), the Air Ministry undertook to draw up a paper setting out the proposed schemes with the financial details.

The Chief of the General Staff, Canada, expressed the opinion that he believed the Canadian Government would gladly adopt the recommendations expressed in paragraphs (4), (6), (7) and (8), and that as far as practicable would endeavour to conform with the remaining recommendations.

(Secret.)

Enclosure in No. 204 (as sent to Australia).

A CONFERENCE of the Air Staff, Royal Air Force, the First Naval Member Designate of the Royal Australian Naval Board, the Australian Representative on the Imperial General Staff at the War Office and Wing Commander Williams, Member of the Air Board, Melbourne, was held at the Air Ministry on 1st November, 1923.

The Conference considered in detail proposals for the organization of the Royal Australian Air Force and the best means by which Australia and the home Royal Air Force could render each other mutual assistance to develop and build up the Air Forces of both countries so as to ensure their effective co-operation in the event of war:

The following recommendations were put forward:—

(1) That officers should be selected in Australia for short service commissions and trained there for one year and then be sent to serve with the Royal Air Force at home for four years, after which service they would return to Australia for service in the Royal Australian Air Force Active List or Reserve.

(2) In order to maintain equal standards of proficiency it is desirable that the system of reserve training should be organized on the same lines throughout the Empire.

(3) That the Royal Air Force should give facilities to the Royal Australian Air Force for the training of officers at specialist and other courses.

(4) That Australia should, if possible, send suitable candidates to be trained at Cranwell and serve for two or three years with the Royal Air Force, after which they would return to the Royal Australian Air Force.

(5) That Australia and the home Royal Air Force should adopt, as far as feasible, the system of exchange of officers on the same basis as exchanges have been undertaken between that Dominion and the Home Army, or between that Dominion and the Royal Navy.

(6) That the home Royal Air Force and the Royal Australian Air Force should keep each other informed by means of periodical personal letters of all particulars which would be of value to the two services.

As regards paragraphs (1), (3), (4), (5), the Air Staff will draw up a paper setting out the proposed schemes with financial details for the consideration of the Australian authorities.

Enclosure in No. 204 (as sent to New Zealand).

(Secret.)

A CONFERENCE of the Air Staff, Royal Air Force and the Naval Adviser to the New Zealand Delegation was held at the Air Ministry on 7th November, 1923.

(1) The Conference considered in detail proposals for organization of the Air Force of New Zealand and the best means by which the New Zealand and the home Air Force could render each other mutual assistance to develop and build up the Air Forces of both countries so as to ensure their effective co-operation in the event of war. It was decided to recommend that New Zealand should aim at building up an Air Force, as far as and when possible, so as to be able to produce as a minimum in the event of war the following units with types of aeroplanes similar, as far as practicable, to those of the home Royal Air Force:

- 1 Squadron for Army Co-operation.
- 1 Squadron for Long-Distance Bombing and Reconnaissance.
- 1 Squadron Flying Boats or Amphibians.

(2) As regards the training of personnel, it was decided to recommend that, in order to enable New Zealand to start her Air Force, a Royal Air Force officer should be sent over from home to New Zealand to help and advise in Air Force matters.

(3) The Air Force Staff informed the Naval Adviser to the New Zealand Delegation that should the New Zealand Government at a later date wish to send officers, non-commissioned officers or men to this country for training they would afford every facility for this to be done and would be pleased to furnish schemes giving the financial details for the consideration of the New Zealand Government.

62706

No. 205.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 16th January, 1924.

I HAVE the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a memorandum containing proposals for the co-operation of the British and South African Air Forces in matters of Training and Organization, which were communicated by the Chief of the Air Staff to the Prime Minister of the Union of South Africa in the course of the recent Imperial Conference.

2. The Air Council would be glad to learn whether your Ministers approve these proposals, and if so, what action is proposed in regard to them.

3. The financial and other particulars referred to in the two final paragraphs of the memorandum will be forwarded as soon as available.

I have, &c.,

DEVONSHIRE.

(Secret.)

Enclosure in No. 205.

THE following recommendations are put forward for the organization of the South African Air Force as being the best means by which South Africa and the home Royal Air Force could render each other mutual assistance to develop and build up the Air Forces of both countries as to ensure their effective co-operation in the event of war.

(1) That so far as possible the South African Air Force should as a minimum be able to produce in the event of war the following units with types of aeroplanes similar, as far as practicable, to those of the home Royal Air Force:

- 1 Squadron for Army Co-operation.
- 2 Squadrons for Long Distance Reconnaissance and Bombing.
- 2 Flights Float-planes, Flying Boats or Amphibians.

(2) That the South African Air Force should endeavour to send cadets from South Africa to be trained at Cranwell, who would do two or three years with the home Royal Air Force, and then return to the South African Air Force.

Or if desired,

That the Royal Air Force should endeavour to obtain cadets for the South African Air Force and train them at Cranwell. They would then do two or three years in the home Royal Air Force, and then would be sent out to the South African Air Force.

(3) That the South African Air Force should send, if possible, candidates to the home Royal Air Force for short service commissions, i.e.,

for five years, who would, after serving at home, return to South Africa and be taken into the South African Air Force reserve or active list.

Or if desired,

That the South African Government should nominate candidates from this country for short service commissions to the home Royal Air Force, i.e., five years. The candidates would have to give an undertaking that after serving they would go to South Africa and be taken into the South African Air Force reserve or active list.

(4) That some South African Air Force officers should be sent to the home Royal Air Force to attend courses of instruction.

(5) That the South African Air Force should if practicable send boys, airmen and non-commissioned officers to Halton or Cranwell for training, who after being trained would return to the South African Air Force.

Or that, if possible the Royal Air Force would enlist boys and airmen in this country for the South African Air Force, who after training would be sent to South Africa.

(6) That South Africa and the home Royal Air Force should adopt as far as feasible the system of exchange of officers on the same basis as exchanges have been undertaken between that Dominion and the home Army, i.e., by Loans, Attachments, Interchange of Officers.

(7) That the home Royal Air Force and the South African Air Force should keep each other informed by means of periodical personal letters of all particulars which would be of value to the two services.

(8) In order that both countries may obtain the best personal assistance, that the principle of a senior officer being sent out from this country to South Africa by invitation should be recognized. Similarly that senior officers should be sent to Great Britain.

(The object of this paragraph is to recognize this as a normal procedure, and to prevent any possibility of rumours of war being spread if a senior officer from this country visits South Africa, or a South African officer this country.)

In connexion with paragraph (1), the Air Ministry will keep the South African Air Force informed as regards the types of machines in use or in contemplation with the home Royal Air Force.

As regards paragraphs (2), (3), (5) and (6), the Royal Air Force will draw up a paper setting out the proposed schemes with the financial details.

Paragraph (4). The Air Ministry will supply the dates and duration of courses.

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No. 206.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29th April, 1924.)

[Answered by No. 210.]

(Secret.)

SIR,

Governor-General's Office, Cape Town, 10th April, 1924.

I HAVE the honour to transmit to you herewith, with reference to my despatch, Secret, of the 13th February, 1924,* copy of minute from Ministers on the subject of the co-operation of the British and South African Air Forces in matters of training and organization.

I have, &c.,

ATHLONE,

Governor-General.

* 10497/24: not printed; it stated that the matter was receiving consideration.

Enclosure in No. 206.

(P.M. 66/1 A.)

Prime Minister's Office, 7th April, 1924.

MINUTE NO. 248.

MINISTERS have the honour to refer to their minute No. 90 of the 8th February, on the subject of the co-operation of the British and South African Air Forces in matters of training and organization. The memorandum submitted by the Chief of the Air Staff is being considered by the Department of Defence, and many of the matters mentioned therein are being dealt with in direct communication between that Department and the Air Ministry.

The policy of the Union Government, in regard to the development of flying in South Africa, is to follow closely aircraft development in Europe and to adopt machines best suited to conditions in South Africa.

J. C. SMUTS.

39161

No. 207.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 30th September, 1924.

WITH reference to paragraph 3 of my predecessor's Secret despatch of the 16th of January* relating to air training and organization in Canada, I have the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a Memorandum† by the Air Council on the subject of co-operation between the Royal Air Force and the Royal Canadian Air Force in the matter of personnel.

2. The Air Council state that the schemes were discussed in some detail with Major-General J. H. McBrien, C.B., C.M.G., D.S.O., who, it was understood, generally approved them.

I have, &c.,

J. H. THOMAS.

39161

No. 208.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 30th September, 1924.

WITH reference to paragraph 3 of my predecessor's Secret despatch of the 16th of January,* relating to air training and organization in the Commonwealth, I have the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a Memorandum† by the Air Council on the subject of co-operation between the Royal Air Force and the Royal Australian Air Force in the matter of personnel.

2. The schemes outlined in the Memorandum were discussed by representatives of the Air Council with Brigadier-General T. A. Blamey, C.B., C.M.G., D.S.O., who submitted an alternative to scheme (1). He suggested that the short-service officers to be recruited in Australia should be granted Royal Air Force and not Royal Australian Air Force commissions, and that, after five years' service on the active list (one year under training in Australia, and four years with the Royal Air Force), they should return to Australia as Royal Air Force and not Royal Australian Air Force Reserve officers, and should be made available for service on the mobilization either of the Royal Air Force, or the Royal Australian Air Force. Their retaining fees would be paid by the Imperial Government, while the Australian Government would undertake their reserve training, and would be prepared to accept a reasonable arrangement as regards division of the cost of the whole scheme.

* No. 204.

† Not printed here.

‡ Not printed.

General Blamey suggested, further, that ordinary Royal Air Force Reserve officers who migrated to Australia should be given reserve training by the Australian Government on repayment by the Imperial Government, remaining in the Royal Air Force Reserve and receiving their retaining fees from Air Ministry funds. It appears that the main advantage to Australia under this proposal would be that reserve officers recruited in Australia under scheme (1) could be given reserve training under the same regulations as reserve officers who had been recruited in England under the ordinary short-service scheme of the Royal Air Force, and had, subsequent to transfer to the Royal Air Force Reserve, migrated to Australia.

3. The Air Council have carefully considered General Blamey's scheme but regret that they do not see their way to accept it as it would appear to contemplate the establishment of a section of the Royal Air Force Reserve in Australia, a proposal which, on account of the distance from the probable scene of mobilization, is not regarded as satisfactory. They note with appreciation the suggestion that the Australian Government should undertake on their behalf the training of ordinary reserve officers migrating to Australia, but as this is a matter affecting all the Dominions, they are unable to reach a decision at present and will give it further consideration. In their view, however, the number of ordinary reserve officers migrating to any one Dominion would always be small, and they would prefer that the question of their training should be kept separate from the larger problem dealt with in scheme (1). They state that the few Royal Air Force Reserve officers now in Australia are in Class C of the reserve, and receive neither retaining fee nor training.

4. The conference then turned from the discussion of General Blamey's alternative to the discussion of scheme (1) as put forward by the Air Council. It is understood that General Blamey saw objection to the proposal that Australia should be responsible for the cost of passages from and to Australia, and suggested that this should be divided between the two Governments. The Council regret that they are unable to accept this suggestion as it is inconsistent with the financial basis of their proposal, namely, that Air Votes should bear the same charge as they would for an officer recruited in England, in respect of each year's effective Air Force service. They consider that this basis is very favourable to Australia, since they do not claim for the Imperial Exchequer any part of the saving which is likely to accrue from the combination of Royal Air Force active list service with Royal Australian Air Force reserve service, and the consequent increase of total service obtained from each officer taught to fly. The Council believe that the advantage will be realized after a full study of their proposals viewed as a whole. The proposals under scheme (1) (b) have been remodelled and presented in a somewhat simpler form so as to disclose more clearly the basis of the division of cost. In this connexion the Council state that it will be observed that, in accordance with the financial basis explained above, the cost of training in England is taken for the purpose of calculating the sum payable to Australia for giving a complete course of flying training, and they add that General Blamey was of the opinion that the Commonwealth Government, in considering the advantages of the scheme, would be prepared to assume that the same sum represented the cost of giving the equivalent training in Australia, in the present absence of figures showing the actual cost.

5. Certain amendments, which the Air Council do not think it necessary to explain in detail, have been made to schemes 2-6, as a result of the conference with General Blamey, and a note has been inserted in the Memorandum regarding the amended periods of service under scheme (2), with which he agreed.

I have, &c.,

J. H. THOMAS.

39161

No. 209.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 30th September, 1924.

WITH reference to paragraph 3 of my predecessor's Secret (2) despatch of the 16th of January* relating to air training and organization in New Zealand, I have

* No. 204.

the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a Memorandum* by the Air Council on the subject of co-operation between the Royal Air Force and the New Zealand Air Force in the matter of personnel.

2. The Air Council state that in the discussions in connexion with the Imperial Conference the representative of New Zealand, Admiral Hotham, expressed the view that it was premature at the present time to consider extensive schemes of co-operation as regards personnel, but that subsequently a communication was received from Major-General Chaytor suggesting that such schemes should be submitted for consideration.

I have, &c.,
J. H. THOMAS.

53781

No. 210.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 15th December, 1924.

WITH reference to Your Excellency's Secret despatch of the 10th April,† and to the last paragraph of the Duke of Devonshire's Secret despatch of the 16th of January,‡ I have the honour to transmit to you, for the consideration of your Ministers, the accompanying copies of memoranda§ on co-operation between the Royal Air Force and the South African Air Force as regards personnel, which have been received from the Air Council.

2. These memoranda develop concrete schemes for giving effect to the Air Council's proposals so far as personal co-operation is concerned, and follow closely parallel proposals made for co-operation with the Royal Canadian Air Force and the Royal Australian Air Force. No schemes are included to give effect to the alternative proposals at (2) (3) and (5) of the memorandum enclosed in the Duke of Devonshire's despatch referred to above, as the Air Council would desire to await information as to the wishes of the Union Government before putting these into concrete form. Should the Union Government so desire the Council will be happy to suggest definite schemes to implement the alternative proposals.

I have, &c.,
L. S. AMERY.

B. AIR POLICY IN GREAT BRITAIN.

33028

No. 211.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

(Irish Free State No. 412.)

Dominions No. 244.

[MY LORD,] [SIR,]

Downing Street, [7th] [12th] July, 1923.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, the accompanying copy of an extract from the House of Commons Official Report of the 26th of June, containing a statement by the Prime Minister in regard to the Air Policy of His Majesty's Government.

I have, &c.,
DEVONSHIRE.

* Not printed here. † No. 206. ‡ No. 205. § Not printed.

Enclosure in No. 211.

EXTRACT FROM THE HOUSE OF COMMONS OFFICIAL REPORT, DATED 26TH JUNE, 1923.

MR. J. RAMSAY MACDONALD (by Private Notice) asked the Prime Minister whether he is now in a position to make his promised statement in regard to the Government's air policy.

THE PRIME MINISTER: The Government have come to the following conclusions with reference to British air power:

In addition to meeting the essential air power requirements of the Navy, Army, Indian and Overseas commitments, British air power must include a Home Defence Air Force of sufficient strength adequately to protect us against air attack by the strongest air force within striking distance of this country.

It should be organized in part on a regular and permanent military basis, and in part on a territorial or reserve basis, but so arranged as to ensure that sufficient strength will be immediately available for purposes of defence. The fullest possible use to be made of civilian labour and facilities.

In the first instance, the Home Defence Force should consist of 52 squadrons, to be created with as little delay as possible, and the Secretary of State for Air has been instructed forthwith to take the preliminary steps for carrying this decision into effect. The result of this proposal will be to add 34 squadrons to the authorized strength of the Royal Air Force. The details of the organization will be arranged with a view to the possibility of subsequent expansion, but before any further development is put in hand the question should be re-examined in the light of the then air strength of foreign Powers.

In conformity with our obligation under the Covenant of the League of Nations, His Majesty's Government would gladly co-operate with other Governments in limiting the strength of air armaments on lines similar to the Treaty of Washington, in the case of the Navy, and any such arrangement, it is needless to say, would govern the policy of air expansion set out in this statement.

MR. MACDONALD: Have the Government considered how this statement is to receive consideration? Is it proposed to move the Adjournment one day, or are any other facilities to be given for discussion?

THE PRIME MINISTER: I thought it was only right that the moment the decision was taken the House should be made acquainted with the fact, but, of course, the details have not been wholly worked out. I think that before long my right honourable friend the Secretary of State for Air will be in a position to discuss them fully and in detail, when the Air Estimates are put down. Later in the year—I am afraid not this Session—there will also be a Supplementary Estimate for certain expenditure which will have to be incurred in the current year, and on that occasion full discussion can take place.

MR. LAMBERT: Can the right honourable gentleman give us an approximate estimate of the expenditure to be incurred by this expansion of the Air Force?

SIR S. HOARE: It is difficult to give an exact estimate of the expenditure, but I think I shall be within the mark if I say that the expenditure involved this year will not exceed £500,000, and that the average expenditure for this expansion, including both capital and maintenance, will not be more than £5,500,000. That expenditure will not be reached until probably three years. Within the next year and the year following the expenditure will be considerably less than the full average expenditure of £5,500,000. These figures are somewhat in the nature of a rough estimate. I shall be able to give a more detailed and accurate estimate when the Supplementary Estimate comes to be considered.

Secretariat Note.—The following despatches were sent to the Dominions and Southern Rhodesia on the subject during 1924:—

(i) Despatch Dominions No. 81 (Southern Rhodesia No. 67) of the 28th February, forwarding copies of a debate in the House of Commons on the 19th February on a motion regarding Air Defence. (7566/24.)

(ii) Despatch Dominions No. 106 (Southern Rhodesia No. 86) of the 7th March, forwarding copies of a debate in the House of Lords on the 4th March on a motion regarding the Air Force. (8429/24.)

(iii) Despatch Dominions No. 160 (Southern Rhodesia No. 118) of the 4th April, forwarding copies of the Air Estimates 1924-25 (House of Commons paper No. 35), a memorandum thereon (Cmd. 2070), and debates in the House of Commons (Official reports of the 11th, 20th and 24th March). (16115/24.)

(iv) Despatch Dominions No. 364 (Southern Rhodesia No. 309) of the 6th August, forwarding copies of the Auxiliary Air Force and Air Force Reserve Act 1924 (14 and 15 Geo. V, ch. 15). (35214/24.)

C. STANDARDISATION OF AIR SERVICE EQUIPMENT.

24727

No. 212.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

[Answered by Nos. 214, 215, 216 and 218.]

(Canada. No. 230.)

(Commonwealth of Australia. No. 197.)

(New Zealand. No. 96.)

(Union of South Africa. No. 159.)

[MY LORD,] [SIR,]

Downing Street, 2nd June, 1924.

I HAVE the honour to request Your Excellency to inform your Ministers that the Air Council propose to hold a Conference in the Air Ministry on the standardization of equipment and stores, on 1st October, 1924, and that they are desirous that representatives of the Dominions should attend.

2. The Council would accordingly be glad if the [Canadian] [Commonwealth] [New Zealand] [Union] Government could see their way to nominate representatives to attend the Conference.

3. A draft Agenda has been prepared, a copy of which is enclosed, and the Council would be glad if any amendments or additions which Ministers would suggest may be forwarded for communication to the Air Ministry as soon as possible.

I have, &c.,

J. H. THOMAS.

Enclosure in No. 212.

AGENDA FOR CONFERENCE WITH REPRESENTATIVES OF THE DOMINIONS ON THE "STANDARDIZATION OF AIR SERVICE EQUIPMENT."

To consider and report to what extent it is practicable to standardize (with the exception of the type of aircraft) aeronautical equipment and stores used by the Royal Air Force and the Air Forces of the several Dominion Governments, with special reference to:—

- (a) Aircraft engines and engine starting devices.
- (b) Instruments used or fitted in aircraft.
- (c) Aircraft armament and explosives.
- (d) Stores, commonly known as "A.G.S.," which include nuts, bolts, turn-buckles, fork ends, R.A.F. wires, etc., etc., the specifications for which are prepared and issued by the Aeronautical Section of the British Engineering Standards Association.
- (e) Specifications of materials used in the construction and maintenance of aircraft.
- (f) Standard "fitting" dimensions.

29125

No. 213.

IRISH FREE STATE.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 217.]

(No. 385.)

SIR,

Downing Street, 24th June, 1924.

I HAVE the honour to request Your Excellency to inform your Ministers that the Air Council propose to hold a Conference in the Air Ministry on the standardization of equipment and stores on 1st October, 1924, and that they are desirous that representatives of the Dominions should attend.

2. The Council would accordingly be glad if the Government of the Irish Free State could see their way to nominate representatives to attend the Conference.

3. A draft Agenda* has been prepared, a copy of which is enclosed, and the Council would be glad if any amendments or additions which Ministers would suggest may be forwarded for communication to the Air Ministry as soon as possible.

4. Similar despatches† have been addressed to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa.

I have, &c.,

J. H. THOMAS.

34115

No. 214.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 18th July, 1924.)

(No. 291.)

SIR,

Government House, Ottawa, 30th June, 1924.

WITH reference to your despatch No. 230 of the 2nd instant,† on the subject of the proposed Conference to be held on the 1st October, 1924, on the standardization of equipment and stores, I have the honour to inform you that Wing Commander E. W. Stedman, O.B.E., at present attached to the office of the Director of Research at the Air Ministry, has been nominated to attend this Conference.

I have, &c.,

BYNG OF VIMY.

39434

No. 215.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 18th August, 1924.)

(No. 367.)

SIR,

Governor-General's Office, Cape Town,

30th July, 1924.

I HAVE the honour to transmit to you herewith, in confirmation of my telegram of the 29th July,‡ Minute from Ministers on the subject of the representation of the Union Government at the forthcoming Conference at the Air Ministry on the standardization of equipment and stores.

I have, &c.,

ATHLONE,

Governor-General.

Enclosure in No. 215.

Prime Minister's Office, 26th July, 1924.

MINUTE 562.

MINISTERS have the honour to acknowledge the receipt of His Excellency the Governor-General's Minute No. 59/49 of the 28th June, covering despatch No. 159, dated 2nd June, from the Secretary of State for the Colonies and to state that it is not proposed to nominate a representative from the Union of South Africa to attend the forthcoming Conference at the Air Ministry on the standardization of equipment and stores.

Ministers trust, however, that they will be furnished with particulars of the results of the conference, and any resolutions that may be passed on the subject of air equipment.

J. B. M. HERTZOG.

* Enclosure in No. 212.

† No. 212.

‡ 30083/24: not printed; it contained the substance of paragraph 1 of enclosure in No. 215.

42066

No. 216.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4th September, 1924.)

(No. 149.)

SIR, Government House, Wellington, 30th July, 1924.

WITH reference to your despatch No. 96 of the 2nd June* relative to the forthcoming conference in the Air Ministry on the "Standardization of Air Service Equipment," I have the honour to inform you that, whilst appreciating the invitation extended to them, my Ministers regret that there are no technical officers at present available to be nominated as representatives of this Dominion at the conference.

2. Ministers would, however, be obliged if particulars of the deliberations and decisions arrived at could be forwarded for the information of the New Zealand Air Force Staff.

I have, &c.,
JELlicoe,
Governor-General.

45498

No. 217.

IRISH FREE STATE.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 25th September, 1924.)

(374.)

SIR, Vice Regal Lodge, Dublin, 24th September, 1924.

I HAVE the honour to refer to your despatches Nos. 385 and 524 of the 24th June† and the 5th instant,‡ respectively, and in reply to state, for the information of the Air Council, that my Ministers do not propose to nominate a representative to attend the Conference to be held on the 1st proximo concerning the standardization of Air Service equipment.

I have, &c.,
T. M. HEALY.

45914

No. 218.

COMMONWEALTH OF AUSTRALIA.

THE DEPUTY GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29th September, 1924.)

(No. 229.)

SIR, Governor-General's Office, Melbourne, 22nd August, 1924.

WITH reference to your despatch dated 2nd June, 1924, No. 197,* I have the honour to inform you that the Commonwealth Government welcomes the opportunity of having a representative at the Conference which is to be held in the Air Ministry on 1st October, 1924, on the Standardization of Air Service Equipment and Stores. Wing-Commander R. Williams, D.S.O., O.B.E., Chief of the Air Staff, Royal Australian Air Force, who is now in England, is nominated as the representative of the Commonwealth Government, and he has been instructed to place himself in communication with the Air Ministry.

The draft Agenda for the Conference is considered by Ministers to be quite satisfactory, and no amendments or additions are suggested by them.

* No. 212. † No. 213. ‡ 41102/24: not printed; a reminder.

The Commonwealth Government is in general agreement with the objects of the Conference, and desires to add that in connexion with the formation of the Royal Australian Air Force it was adopted as a general principle that the Royal Air Force policy in regard to organization, administration, training and equipment would be followed, with only such modifications as may be dictated by local conditions.

I have, &c.,
L. F. CUSSEN,
Deputy of the Governor-General.

CENSORSHIP.

8436

No. 219.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Answered by Nos. 221, 222, 223, 228 and 229.)

(Canada.	} Dominions No. 50. Secret.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 16th February, 1923.

WITH reference to my Secret despatch Dominions No. 425 of the 16th of December last,* covering a draft revised scheme of cable and radio-telegraphic censorship, I have the honour to transmit to you, for the information of your Ministers, copies as marked in the margin of a Report† on Postal Censorship during the Great War. This document is of great value and must be the indispensable basis for any scheme of postal censorship in future emergency. In view, however, of the difficulties referred to in paragraph 17 of the Report, further research would undoubtedly lead to some minor modifications on points of fact, and His Majesty's Government cannot accept responsibility for all the statements made in it, especially when they refer to the work of particular Departments or Governments.

In the Great War, methods of postal censorship had to be improvised; and experience showed that the difficulties, particularly in connexion with international relationships, were far more serious than in the case of cable censorship. Under the direction of the Committee of Imperial Defence, anxious consideration has been given to the numerous points which arose, some of which cannot be said to have been satisfactorily settled even at the end of the war, and the enclosed draft "Regulations‡ for Postal Censorship in Time of War or Emergency" and "Memoranda‡ on the action to be taken by His Majesty's Government" embody the results which have been arrived at. A few doubtful points still remain unsettled, and these documents have not yet received the final approval of His Majesty's Government. It would, however, facilitate further progress if your Government would be good enough to give the draft regulations their early consideration and would forward to me any suggestions they desire to make for their amendment together with an expression of their general agreement if, as I trust, the proposed scheme meets with their approval.

I have, &c.,
DEVONSHIRE.

26446

No. 220.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 28th May, 1923.)

(Secret.)

MY LORD DUKE, Government House, Wellington, 13th March, 1923.

WITH reference to Your Grace's Secret despatch Dominions No. 425 of the 16th December,* forwarding the revised "Regulations for Censorship in War Time

* No. 170 in Dominions No. 82. † Not printed.

or Emergency" and "Cable and Radio-Telegraph Censorship in Time of War or Emergency." I have the honour to inform you that my Ministers have given full consideration to these draft documents which are considered to be generally suitable to the requirements of this Dominion.

2. Ministers observe, however, that there is no mention of the Radio-Telegraphic Installation at Apia. This omission may be intentional, but as Western Samoa is mandated territory under the administration of New Zealand they are of the opinion that the control of the radio-telegraphic station in war time or emergency should be clearly defined and included in these regulations.

3. Ministers add that the Naval War Plans of New Zealand will provide for the appointment of special radio censors for duty at the stations considered to be of particular importance, and these censors, appointed by the Naval Department, should be able to take up their duties immediately on the receipt of the censorship telegram, with perhaps the exception of Apia, where a slight delay might be involved.

I have, &c.,

JELLICOE,

Governor-General.

29450

No. 221.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12th June, 1923.)

(Extract.)

(Secret.)

MY LORD DUKE,

Government House, Wellington, 3rd May, 1923.

WITH reference to your Secret despatch Dominions No. 50 of the 16th February,* forwarding copies of "Regulations for Postal Censorship in time of War or Emergency," and "Memoranda on the action to be taken by His Majesty's Government," I have the honour to inform Your Grace that my Ministers advise me that these draft documents have been given full consideration and that the Government of New Zealand are in general agreement with, and have no amendments to suggest to them which, in so far as they apply, appear to be suitable to the requirements of this Dominion.

I have, &c.,

JELLICOE,

Governor-General.

32211

No. 222.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 27th June, 1923.)

[Answered by No. 225.]

(Secret.)

MY LORD DUKE,

Governor-General's Office, Cape Town, 25th May, 1923.

I HAVE the honour to transmit to Your Grace herewith, with reference to your despatches Dominions No. 425, Secret, of the 16th December, 1922,† and Dominions No. 50, Secret, of the 16th February, 1923,* copy of Minute from Ministers on the subject of the censorship of cable, land line, radio-telegraph and postal communications.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

* No. 219.

† No. 170 in Dominions No. 82.

Enclosure in No. 222.

(Secret.)

Prime Minister's Office, Cape Town, 25th May, 1923.

MINUTE No. 374.

MINISTERS have the honour to refer to His Royal Highness the Governor-General's Secret Minutes No. 1/1342 dated the 17th January, 1923, and No. 1/1348 dated the 16th March, 1923, on the subject of the censorship of cable, land line, radio-telegraph and postal communications, and to state that the draft regulations and memoranda submitted by the Colonial Office have been carefully considered, and as a result Ministers find themselves generally in agreement with the principles enunciated therein and have no hesitation in giving His Majesty's Government the assurance that steps will be taken at once to give effect to the revised regulations in the dossiers for preparation for war of the Union of South Africa. In this connexion Ministers will be glad if His Royal Highness will inquire from His Majesty's Government whether the provisional nature of the arrangements outlined in the Secret Minute of the Committee for Imperial Defence No. E.12 of the 13th May, 1921 (War Book), have in any way been varied, or accepted as final.

His Majesty's Government is, of course, aware that Section 92 of the South Africa Defence Act, 1912, empowers the Governor-General to establish a censorship in time of war, and the enforcement of the regulations can, therefore, take place by Proclamation.

With regard to the notification to the International Telegraph Bureau (paragraph 12 of Part I of C.C. (c) 72) Ministers are agreed that in order to secure uniformity it is desirable that all notifications to the Bureau relating to the modification of censorship within the Empire should be made by the Imperial Government.

Ministers note that it is proposed that the Army Council will exercise the general control over cable and postal censorship, and, in consultation with the Admiralty, over radio-telegraph censorship throughout the British Empire. They assume that, in regard to this Dominion, all duties relating to censorship will be exercised by the Chief Censor at Capetown, and that the District Intelligence Officer at Capetown, upon the outbreak of war, will be granted a warrant by the Governor-General appointing him Naval Adviser to the Chief Censor in the Union.

The arrangements outlined in regard to Staffs and duties as set forth in C.C. (c) 72 and C.C. (c) 4, pages 62 and 71 *et seq.* respectively have been noted and Ministers will make provision accordingly.

Ministers will be grateful if additional copies of the regulations and memoranda of action to be taken can be furnished them, or, if His Majesty's Government has decided not to issue further copies of the provisional drafts, if this request may be borne in mind when the regulations and memoranda are finally approved.

J. C. SMUTS.

33442

No. 223.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5th July, 1923.)

(Secret.)

MY LORD DUKE,

Government House, Ottawa, 25th June, 1923.

WITH reference to Your Grace's Secret despatch Dominions No. 50 of the 16th February last,* transmitting copies of a Report on Postal Censorship during the Great War, I have the honour to inform you that the Canadian Government is in general agreement with the regulations for censorship enclosed therein.

I have, &c.,

BYNG OF VIMY.

* No. 219.

34203

No. 224.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9th July, 1923.)

(Secret.)

MY LORD DUKE,

Government House, Ottawa, 27th June, 1923.

WITH reference to Your Grace's Secret despatch of the 16th December last, Dominions No. 425,* enclosing a draft revised scheme of cable and radio-telegraphic censorship for use in time of war or emergency, prepared by the Committee of Imperial Defence, I have the honour to inform you that the Department of National Defence is in general agreement with the three secret documents forwarded therewith, namely:—

1. Cable and Radio-telegraph Censorship in the Time of War or Emergency. CC (c)—5. Revised 1st July, 1922. (Replacing A. 1633.)
2. Regulations for Censorship in the Time of War or Emergency, of Cable, Land-line and certain Radio-telegraphic communications. CC (c)—4. Revised 1st July, 1922. (Replacing A. 1589.)
3. Regulations for Censorship in the Time of War or Emergency of Radio-telegraphy, etc. CC (c)—72, dated 1st July, 1922. (Replacing OD. 5 and A. 1589.)

I have, &c.,

BYNG OF VIMY.

33217

No. 225.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 9th July, 1923.

I HAVE the honour to acknowledge the receipt of Your Royal Highness' Secret despatch of the 25th of May† regarding the cable, radio-telegraph and postal censorship regulations.

2. With reference to the inquiry in the first paragraph of Ministers' Secret Minute No. 374 of the 25th of May, I have to request you to inform your Ministers that the arrangements of a provisional nature outlined in Paper E. 12 of the 13th of May, 1921 (War Book), have not been varied in any substantial way but that they cannot be accepted as final since further amendments and alterations of detail are being made as a result of discussion and of the reports of sub-Committees appointed to consider various aspects of policy.

3. As requested in the last paragraph of Ministers' Minute, I enclose a further set of the Regulations and Memoranda of action to be taken. It does not appear probable that any substantial alterations in the documents already issued will be necessary, but they will be reprinted for final issue, with any amendment required, as soon as the replies of all the Dominion and Colonial Governments have been received and considered.

I have, &c.,

DEVONSHIRE.

35404

No. 226.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th July, 1923.)

(Secret.)

MY LORD DUKE,

Governor-General's Office, Melbourne, 29th May, 1923.

REFERRING to Your Grace's Secret despatch dated 16th December, 1922, Dominions No. 425,† covering copies of a draft revised scheme of cable and radio-

* No. 170 in Dominions No. 82.

† No. 222.

‡ No. 170 in Dominions No. 82.

telegraphic censorship for use in time of war or emergency, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government concurs in the "Regulations for Censorship in time of war or emergency of Cable, Land Lines and certain Radio-telegraphic Communication" as set out in "C.C. (c) 4" and "C.C. (c)—72," both revised to 1st July, 1922.

It is desired, however, that the particulars shown on pages 67, 68 and 69 of "C.C. (c) 4" and pages 58, 59 and 60 of "C.C. (c)—72" be amended by the substitution of "Amalgamated Wireless (Australasia) Limited" for "Navy Department" wherever the latter appears against "Radio Installations" and that the letters "D.N.I." for "D. of I." be substituted in the postal address opposite "Melbourne" on page 36 of "C.C. (c)—72."

I have, &c.,

FORSTER,

Governor-General.

3022

No. 227.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 19th January, 1924.)

(Secret.)

MY LORD DUKE,

Government House, St. John's, 18th December, 1923.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 425, Secret, of the 16th December, 1922,* on the subject of a draft revised scheme of cable and radio-telegraphic censorship for use in time of war or emergency, which has been prepared by the Committee of Imperial Defence.

2. My Ministers are in general agreement with the scheme as revised, and have no suggestions to offer regarding its amendment. The memoranda on the action to be taken by His Majesty's Government will be of assistance to my Ministers in connexion with censorship in this Colony in time of war or emergency.

3. In looking through the documents it has been noticed that there are one or two items needing correction, and a memorandum† setting forth the alterations necessary is enclosed herewith for greater accuracy. To this memorandum is attached a list of cables leaving Newfoundland and crossing the North Atlantic, as well as those which go to St. Pierre, the Dominion of Canada and the United States of America.

I have, &c.,

W. L. ALLARDYCE.

3889

No. 228.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.50 a.m., 25th January, 1924.)

TELEGRAM.

25TH JANUARY. Your despatch 16th February, 1923, Dominions, Secret, 50.‡ Postal Censorship. Commonwealth Government agrees generally and does not suggest any amendments.—FORSTER.

* No. 170 in Dominions No. 82.

† Not printed.

‡ No. 219.

18225

No. 229.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 15th April, 1924.)

(Secret.)

SIR,

Government House, St. John's, 29th March, 1924.

I HAVE the honour to acknowledge the receipt of your predecessor's despatch Dominions No. 50, Secret, of the 16th February, 1923,* on the subject of postal censorship during the Great War and to inform you that the Report, Regulations and Memorandum were forwarded to the Minister of Posts and Telegraphs for his consideration. My Ministers are now in receipt of a Report from that official intimating that his Department has no suggestions to offer in connexion with the proposed scheme and Regulations. As this Department considers that the Report would be of special value to them in their work, copy of No. 127 has been retained by them in a secure place so that its contents may be kept secret, being disclosed only to those officers whose duties it affects.

2. My Ministers are in general agreement with the proposals as outlined in the despatch under acknowledgement and have no objection or amendment to offer in respect of the draft Regulations.

I have, &c.,

W. L. ALLARDYCE.

* No. 219.

1101

END

794